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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12303 (E)

The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 137, 139 and 141-144; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124, 129, 130-137 and 146; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

1. The CHAIRMAN said that the Commission had considered agenda item 9 (b) in closed session at its 21st and 22nd meetings on 31 March 2000. It had had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in nine countries, namely, Chile, Republic of the Congo, Kenya, Latvia, Uganda, United Arab Emirates, Viet Nam and Zimbabwe. The Commission had decided to discontinue consideration of the human rights situations in Chile, Republic of the Congo, Kenya, Latvia, United Arab Emirates, Viet Nam, Yemen and Zimbabwe.

2. He reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

3. The Special Rapporteur on the situation of human rights in the Sudan had - for compelling personal reasons - been unable to present his completed report to the Commission at its fifty-sixth session. However, a summary of his unedited report had been circulated as an Information Note (E/CN.4/2000/36). The final report would be issued as an addendum to that note.

4. Mr. SIDDIG (Sudan) said that his delegation had been given only two working days to prepare a response to the document in question, even though a period of at least six weeks was recommended in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112). That unfair situation might have been avoided had the Special Rapporteur visited the Sudan in November 1999. He had actually done so only 17 days before the opening of the current session and it was regrettable that he was unable to present a report. The Sudanese Government wished to place on record its hope that it would be accorded the agreed six-week period in which to submit its response to the finalized version and that its response would be distributed simultaneously with the report.

5. The Special Rapporteur's acknowledgement in the Information Note (E/CN.4/2000/36) of the cooperation extended to him by the Sudanese Government was appreciated, as was his reference to the Government's stated desire to bring an early peace to the country and to promote

the transition to democracy. The Special Rapporteur's condemnation of rebel practices in violation of human rights and humanitarian law was welcome and the Government associated itself with the concerns he had expressed over rebel attempts to politicize humanitarian aid. It was dismayed by reports that the rebels were behaving as an occupying army in Eastern Equatoria and closing schools in the region.

6. The Government bore no responsibility for the fact that the Special Rapporteur had been unable to travel from Lokichoggio - in a neighbouring State - to an area under rebel control. The rebels were still, in fact, using civilian installations for military purposes, but the Government, for its part, was committed to the provisions of the Fourth Geneva Convention. In war, 100 per cent precision in aerial bombardment was impossible. Mistakes did occur, as in the case of the Kaouda School. An investigation was currently under way into that very regrettable incident.

7. With respect to the students mentioned in paragraphs 11 (a) and 14 of the note, one university had indeed temporarily suspended some 25 students for misconduct, but the charges had subsequently been nullified. His delegation also wished to refute the assertion that the independence of the Sudanese judiciary was being undermined. Elsewhere, the Special Rapporteur had referred to allegations of torture without specifying particular cases. Once the details were available, his Government would carry out full investigations with a view to prosecuting any persons found guilty.

8. The forced relocation of civilians in oil production areas was being carried out by military factions attempting to benefit from humanitarian relief from non-governmental organizations (NGOs). The troubles stemmed from conflicts for the leadership within the Nuer tribe. The nomadic Baggaara tribes had not been resettled - they were nomads who moved with their herds, only during the dry season did they spend any time in the south of the country.

9. The use of airstrips for military purposes in Higleeg had long predated the discovery of oil there. A military presence in the oil production areas was, however, necessary in view of constant targeting of oil facilities by rebel forces.

10. The rebel movement and an NGO known for its animosity towards the Sudan were responsible for the as yet unconfirmed reports of abductions in Bahr el-Ghazal. A government inquiry was currently under way and its findings would be made public.

11. He hoped that his Government's written comments would be issued as part of the Information Note (E/CN.4/2000/36).

Statements in exercise of the right of reply

12. Mr. EFTYCHIOU (Observer for Cyprus) said his delegation strongly disputed the assertion by the observer for Turkey that Turkey had not invaded Cyprus and reiterated its Government's position in that regard. Turkey had clearly failed to abide by the Treaty of Guarantee whereby Greece, Turkey and the United Kingdom recognized and guaranteed the independence, territorial integrity and security of Cyprus.

13. Turkey, with a standing army larger than the entire population of Cyprus, had occupied 37 per cent of the country, expelled 200,000 people, settled more than 100,000 Turkish colonists and caused the death of up to 6,000 persons and the disappearance of a further 1,619. Turkey had established a pseudo-State in the occupied area of Cyprus, an act which the Security Council had condemned in its resolution 550/1984 and characterized as "secessionist". No amount of oratory could change the fact that the use of force was expressly forbidden by the Charter of the United Nations.

14. The manner in which the observer for Turkey had referred to him personally had come as no surprise, given that the country represented by that observer had shown no respect for the sovereignty, independence and territorial integrity of Cyprus, and had consistently violated the rights of all Cypriots.

15. Mr. MANOUSSAKIS (Observer for Greece) said that the observer for Turkey had merely reiterated the "Turkish invention" according to which the military invasion of Cyprus was an "intervention". In flagrant violation of international law, Turkey had systematically disregarded the numerous United Nations resolutions on the issue. No sophistry could justify Turkey's action which, according to Security Council resolutions, was a classic form of aggression and military occupation. The situation in Cyprus was unacceptable and entirely due to Turkish intransigence. The only solution was the full implementation of the resolutions of the Security Council and Commission on Human Rights. The observer for Turkey should therefore inform the Commission whether his Government was ready to implement them.

16. Mr. TEKLE (Observer for Eritrea) said that the observer for Ethiopia had subjected the Commission to "crude double-speak". It did not serve the cause of peace or diplomatic truth to announce acceptance of an agreement and then refuse to sign it, as the Government of Ethiopia had done. The Government of Eritrea, for its part, had been ready for the past seven months to sign the Framework Agreement but did not see how an unsigned agreement could be implemented.

17. The observer for Ethiopia had stated that the number of deported Eritreans and Ethiopians of Eritrean origin was insignificant. No responsible Government would take numbers into account in matters of human rights. According to the terms of the Framework Agreement, neither Eritrea nor Ethiopia should be determining who had perpetrated aggression, a question that was to be left to the United Nations and other parties.

18. Mr. ABEBE (Observer for Ethiopia) said that the situation of Ethiopian nationals in Eritrea and in the occupied areas was as bleak as ever. The Eritrean regime had been dismantling towns and villages in an attempt to transform the Ethiopian identity of those areas. The Eritrean regime was using baseless propaganda to conceal the cruellest human rights violations perpetrated against Ethiopian nationals. A one-party tyranny itself, it was unsurprisingly engaged in vilifying the democratic process in Ethiopia. The Eritrean regime, with its dismal human rights record, had no moral standing to appear before the Commission, let alone talk about democracy in Ethiopia.

19. Mr. MERIC (Observer for Turkey) said that he would not to waste the Commission's time by responding to the absurd allegations made against Turkey by two countries and one

administration. The Armenian, Greek and Greek Cypriot delegations - united by a common hostility against Turkey - were joining forces to criticize his country, using the Commission not to promote human rights, but as a political tool and a forum for confrontation and acrimonious debate. Such behaviour undermined the credibility of the Commission.

20. Mr. EFTYCHIOU (Observer for Cyprus) said that the observer for Turkey had described the Cypriot statement as absurd, although it was based on facts verified by resolutions of the Security Council, General Assembly and Commission on Human Rights. An assertion that the organs of the United Nations were trading absurdities was an affront to the entire international community.

21. Turkey's position in Cyprus was an indefensible one. "Politicization of human rights" occurred when a country such as Turkey systematically ignored international law and persisted in violating human rights in order to promote its own political agenda and objectives, not when an entire people raised its voice to protest at gross violations of its human rights by another State.

22. Mr. MANOUSSAKIS (Observer for Greece) said the refusal of the observer for Turkey to inform the Commission whether or not his Government was in favour of the implementation of Security Council resolutions on the question of Cyprus revealed why the Cyprus problem was still unresolved. The international community accordingly had no choice but to urge Turkey to comply with its obligations under international law.

STATEMENT BY THE MINISTER OF HEALTH OF IRAQ

23. Mr. MUBARAK (Iraq) said that, in many parts of the world, powerful States were violating rights that were enshrined in international instruments, including the Universal Declaration of Human Rights. Many of the principles of human rights had unfortunately been politicized and were being used as a weapon with which to threaten sovereign nations. The work of the human rights institutions should be based on objectivity, impartiality and transparency, and not on politicization, selectivity and double standards. The independence of human rights institutions was still weak, however, in the face of continued pressure by certain States, particularly the United States of America.

24. For the past 10 years, Iraq had been exposed to the most heinous crime of genocide, perpetrated in the name of the United Nations and in the sight and hearing of the international community. Despite demands from many quarters, it was noteworthy that neither the United Nations, in general nor the High Commissioner for Human Rights or the Commission in particular had so far been able to adopt a decision calling for an immediate end to the economic embargo. The weakness of human rights institutions in confronting the United States of America had encouraged that State to go too far in its continued aggression against Iraq and other developing countries. The United States was perpetrating daily crimes with total impunity and without being firmly condemned either by human rights institutions or by the Commission.

25. The Commission's continued silence in the face of the grave violations of human rights to which the people of Iraq were exposed as a result of the continued economic embargo was a real danger threatening the future and the work of human rights institutions, limiting their credibility and subjecting them to politicization. Nevertheless, Iraq would never despair, since it

was confident that there were many genuine human rights defenders in the world, not least in the United Nations institutions themselves. The United Nations Coordinator for Humanitarian Affairs in Iraq, Mr. von Sponeck, had recently resigned, describing what was taking place in Iraq as a true human tragedy that should be brought to an end. The representative in Baghdad of the World Food Programme, Mrs. Burghart, had also resigned, saying that she was unable to do her job because of the pressure and constraints of Security Council resolutions.

26. It was difficult to imagine that one of the principal institutions of the United Nations had for more than 10 years been causing death and destruction to an entire nation. The economic embargo imposed by the Security Council had caused the deaths of 1.5 million Iraqi people, and it was hard to describe the pain and suffering of the rest of the population. The entire Iraqi nation had been exposed to genocide for the sake of implementing Security Council resolutions, despite providing all possible cooperation in honouring its commitments towards those resolutions.

27. Despite the drastic deterioration in the situation of the Iraqi people, the United States of America and the United Kingdom had persisted in their air offensives, causing more damage and destruction, and putting behind them their humanitarian principles, delaying contracts Iraq had signed for the importation of food, medicines and other humanitarian necessities. The total value of suspended contracts had reached US$ 1.8 billion.

28. As for the deterioration in the health sector, the mortality rate for children under five in 1999 was 11 times what it had been 10 years previously. The infant mortality rate had increased from 42 to 108 deaths per 1,000 live births in the period since the embargo was imposed. Diseases and epidemics were on the increase, particularly in the rural and southern regions of Iraq which were suffering from a shortage of drinking water. Iraq's national health institutions were no longer able to meet the urgent needs of the population because they were having to deal with increases in cancer cases, tumours, congenital malformations, muscular and nervous sickness and scientifically unexplained miscarriages as a result of the use of large quantities of depleted uranium by the United States and the United Kingdom during their aggression.

29. There had also been a total collapse of the general sanitary infrastructure which had led to infectious and communicable diseases being between at 7 and 20 times their normal levels. Before the war, Iraq had been controlling such diseases as cholera, malaria and scabies. There had been a sharp increase in cases of poliomyelitis and viral hepatitis. Hospitals and medical institutions built in the past 30 years needed serious rehabilitation.

30. His Government appealed to the Commission to assume its humanitarian responsibility by breaking its silence of the past 10 years and taking appropriate steps to put an end to the crime of genocide to which the Iraqi people was subjected and which was rejected by both the international community and the human rights defenders. The promotion of human rights required a sound economic, social and political environment, and his Government believed that the embargo would not help to provide such an environment. Its lifting would promote and advance the situation of human rights in Iraq and, if the Commission adopted a favourable resolution in that respect, that would help to consolidate its credibility.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (E/CN.4/2000/6 and Add.1-2, 46 and Add.1, 47-49, 51, 52/Add.1 and/53, E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140, CHR/RES/1998/25 and 26, E/CN.4/Sub.2/1999/12, E/CN.4/1999/48 and 49, E/CN.4/Sub.2/1999/10, E/1999/55, A/54/316 and /222 and Add.1)

31. Mr. FIGUEREDO (Special Rapporteur on foreign debt), introducing a report that he had prepared jointly with the independent expert on structural adjustment policies (E/CN.4/2000/51), said that the executive summary was to be found in pages 4 and 5 of the English version. At the G-7 meeting in Cologne in June 1999, a major debt reduction initiative had been announced, as an improvement on the heavily indebted poor countries (HIPC) initiative administered by the Bretton Woods institutions. Unfortunately, the envisaged debt relief would be insufficient to address pressing funding requirements for development. Moreover, there had as yet been little evidence of substantive change in structural adjustment policies.

32. Foreign debt not only perpetuated extreme poverty, it also exacerbated the negative impact of globalization on the developing countries. The enhanced HIPC initiative did, however, represent a radical change in emphasis towards poverty eradication. The new concept of adjustment would necessitate the elaboration of national poverty reduction strategy papers (PRSP), requiring national ownership and transparency. Indeed, the prime responsibility for alleviating poverty would still lie with national Governments, but there was also a constructive vision of cooperation with States, civil society and the United Nations system.

33. In his capacity as Special Rapporteur on foreign debt, he had been invited to Ecuador in February 2000 to discuss the difficult economic and social situation following civil and military unrest in that country. The Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) had, at the request of the Government of Ecuador, facilitated inter-agency consultations on the situation in that country, at which it had been agreed that an inter-agency mission would be sent to provide technical support for a poverty reduction and growth stimulus programme. The mission would constitute a positive contribution to the incorporation of human rights considerations into structural adjustment policies.

34. The report stressed the importance of the link between foreign debt and poverty reduction. Zambia's foreign debt should be cancelled to enable it to deal with the HIV/AIDS epidemic, the foreign debt of Honduras and Nicaragua because of the Hurricane Mitch disaster, and that of Mozambique in the aftermath of the recent floods. Indeed, there should be an automatic suspension of debts when a country was hit by a disaster. That would necessitate the insertion of preventive disaster clauses in HIPC agreements. The report also proposed a direct link between debt relief and the prohibition of child labour, based on the successful Brazilian experience of "Bolsa Escola".

35. Ms. LIZIN (Independent expert on human rights and extreme poverty), introducing her report (E/CN.4/2000/52 and Add.1), said that despite repeated commitments the campaign against extreme poverty had yet to become the main objective of the international organizations. A coherent approach had still to be sought. The greater the freedom, the greater the need for social rules, and the three major structures in the world - those of the Bretton Woods institutions, the World Trade Organization (WTO) and the United Nations - had to find ways of directing their common approach towards social progress. The campaign against extreme poverty was one

of the rare links between those involved in economic globalization and those who were building human rights structures. The existence of extreme poverty jeopardized the achievement of all human rights and at the same time demonstrated their indivisibility and interdependence.

36. The prime responsibility for combating extreme poverty lay with the State, but action in a number of countries was paralysed by the weakness of administrative and economic structures as a result of the debt burden, armed conflict, natural disasters and financial crises. Genuine action to combat extreme poverty could be effective only if it actually reached the individuals concerned, and it was thus essential for States to have decentralized structures in which NGOs could flourish and fill the gaps in State structures. She had been particularly impressed by the work of NGOs in poor areas of Tokyo and by the effort undertaken in Benin to decentralize legislative structures.

37. She wished to draw the Commission's attention to the feminization of poverty. Women were the group most affected by extreme poverty, and it was imperative to take appropriate action to enable them to escape from that situation.

38. Summarizing the main conclusions contained in her report, she said that the elaboration of a possible draft declaration on human rights and extreme poverty should continue and work should concentrate on the interrelationship between the promotion and protection of human rights and the elimination of extreme poverty, should incorporate the results of consultations with the extremely poor and the communities in which they lived, should participate in the evaluation of strategies to combat extreme poverty at the regional and subregional levels and should contribute to consultations with the Bretton Woods institutions.

39. Mr. HARAGUCHI (Japan), said that the alleviation of poverty was essential to ensuring the realization and enjoyment of human rights. Accordingly, his delegation intended to contribute actively to the General Assembly special session on social development and its millennium session. The role and responsibility of the United Nations Development Programme (UNDP) in poverty eradication was extremely important, as was the contribution that could be made by the Commission for Social Development.

40. A number of initiatives had been taken to deal with the adverse impact of unilateral coercive measures, environmental issues, foreign debt and structural adjustment policies. Although his delegation shared the concerns expressed, it doubted whether some of the initiatives were appropriately addressed in the Commission. They were highly technical and required the involvement of various relevant bodies and, if the Commission wished to discuss them seriously, it would need to establish more structured coordination with those bodies. Indeed, it was because the Commission was not the appropriate forum to address such issues that the High Commissioner was trying to mainstream human rights into other forums where the expertise and means existed to achieve positive results. The interface approach was the right one, and his delegation supported the High Commissioner in that endeavour.

41. The right to education was of fundamental importance, and was the essential basis for the enjoyment of all human rights as well as for development; it was an important issue that deserved its own resolution.

42. Mr. MENDONCA E MOURA (Portugal), speaking on behalf of the European Union, and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that freedom and a life of dignity could be attained only through the full enjoyment of all economic, social and cultural rights as well as civil and political rights. Those two sets of rights were mutually reinforcing and, in common with all other human rights, were interrelated, interdependent and indivisible.

43. The Union wished to remind States that had signed but not yet ratified the International Covenants on Human Rights that they should take no action which contravened the spirit of those instruments. It also wished to stress that the realization of economic, social and cultural rights contributed to the enjoyment of civil and political rights. Equally, respect for civil and political rights was instrumental in the implementation of economic, social and cultural rights. The two International Covenants called for the immediate application of the principle of non-discrimination in the realization of all rights, and required a commitment to the elimination of all forms of de jure and de facto discrimination. There was no room for progressive realization with regard to non-discrimination: that must be secured immediately and fully.

44. It was, however, realistic to apply the concept of progressive realization to economic, social and cultural rights, as it was recognized that all such rights could not be achieved in a short period. Nevertheless, there was an obligation to move towards that goal as swiftly as possible and, in that regard, the Union supported the development of indicators and benchmarks. The indivisibility of human rights should serve as a basis for efforts to clarify the justiciability of economic, social and cultural rights: it would appear that not all such rights were fully and completely justiciable.

45. The Union saw the need to strengthen global implementation of economic, social and cultural rights, and had noted the idea of a draft optional protocol providing for a system of communications in relation to the International Covenant on Economic, Social and Cultural Rights. Much consideration would need to be given to the effectiveness of a possible individual complaints mechanism relating to those rights, and legal clarity on how to achieve optimum justiciability of such rights would be essential to consideration of such a mechanism. In that regard, the Union wished to draw attention to the fact that, within the Council of Europe, an Additional Protocol to the European Social Charter, providing for a system of collective complaints, had already become operational.

46. With respect to the global implementation of those rights, the Union wished to underline the role of the specialized agencies and international financial institutions of the United Nations system in protecting and promoting economic, social and cultural rights. Those institutions made a daily contribution to the realization of such rights, and had developed great expertise in the area.

47. The Union also welcomed the 1999 report of the High Commissioner for Human Rights to the Economic and Social Council, which had focused on implementation of economic, social and cultural rights. The High Commissioner's Office (OHCHR) was making real progress towards such implementation at all levels, placing emphasis on economic, social and cultural rights in its technical cooperation programmes and field activities and endeavouring to promote the integration of human rights into socio-economic policies.

48. All the rights enshrined in the International Covenant on Economic, Social and Cultural Rights were interrelated and of equal importance, but the Union wished to focus on the eradication of poverty and the right to education. The eradication of poverty and the elimination of the worst forms of child labour had become a central theme of the international community. The Union therefore welcomed the activities developed in the United Nations system on the rights-based approach to those problems. It also attached great importance to the forthcoming review of the World Social Summit, and welcomed the modifications to the HIPC initiative aimed at accelerating the assessment process and increasing the number of countries that could apply.

49. The Union had noted the first consultation on the elaboration of a possible draft declaration on human rights and extreme poverty (E/CN.4/2000/52/Add.1), and regarded with interest the idea of convening a second consultation on the topic. It wished to support the work of the independent expert on the question of human rights and extreme poverty, and was appreciative of her report (E/CN.4/2000/52). It had noted with interest the recommendations contained therein.

50. The Union also wished to mention general comment No. 12 of the Committee on Economic, Social and Cultural Rights, on the right to adequate food. It was noteworthy that problems of hunger and malnutrition existed in some of the most economically developed countries. Hunger and malnutrition were often caused not by lack of food, but by lack of access to available food. The Committee therefore concluded that every State party to the Covenant was obliged to ensure that everyone under its jurisdiction enjoyed access to the minimum amount of food that would ensure freedom from hunger.

51. The Union was not unaware of poverty and social exclusion. The latter, which gave rise to poverty and undermined the development of socially inclusive societies, could be understood as the process that deprived people of their rights. The Treaty of Amsterdam recognized that the Union and its member States had a fundamental responsibility to combat social exclusion and set clear guidelines for the policy support that should result from cooperation in that field.

52. Education was both a human right and a means of realizing other human rights. It was closely connected with the right to health. The Union supported the work of the Special Rapporteur on the right to education, and noted with interest the initiatives and studies that she was planning to undertake. It also welcomed the work done by the Committee on Economic, Social and Cultural Rights on the right to education, and the recently adopted general comments Nos. 11 and 13. With regard to the former, the Union called upon States where access to primary education was a serious problem to draw up a plan of action for primary education. The right to such compulsory and free education was unequivocally set forth in the International Covenant on Economic, Social and Cultural Rights.

53. The world faced enormous challenges in relation to the full realization of economic, social and cultural rights. One such challenge was globalization which, however, also brought with it opportunities to reduce disparities at global level and develop international partnership. By grasping such opportunities, all Governments could make a real contribution to the promotion of civil, cultural, economic, political and social rights. The Union was convinced that significant progress was being achieved, and remained deeply committed to pursuit of that aim.

54. Ms. JANJUA (Pakistan) said that the impression created by international human rights mechanisms was that economic and social rights were less important than civil and political rights. She therefore thanked the High Commissioner for Human Rights for her increasing endeavours to promote economic, social and cultural rights. Those rights had been enshrined in the Constitution of her own country, and the realization of such constitutional principles and the fundamental rights of its people was the highest priority of her Government. Therefore, notwithstanding the aggressive posture and increased defence spending of its eastern neighbour, her Government had decided to decrease the defence budget by 5 per cent, and invest the resultant savings in development projects that would contribute to the advancement of the economic, social and cultural rights of its people.

55. The independent expert on structural adjustment policies and the Special Rapporteur on foreign debt had submitted a joint report (E/CN.4/2000/51). While their mandates were complementary, justice was done to neither of those mandates by a joint report, which was not what the Commission had requested. The report dealt with few of the issues involved in the independent expert's mandate. No guidelines were given for structural adjustment plans. She wondered whether it had been assumed that such adjustment was no longer required in view of the poverty reduction strategy being pursued by the Bretton Woods institutions. There must be new developments to report in that context, unless the structural adjustment problems of developing countries had suddenly been resolved.

56. The joint report also had a rather narrow focus: it made no reference to the need for better market conditions, access by developing countries to financial and capital markets and technology, the evident need for transparency and the full participation of such countries in the deliberations and activities of international financial institutions. Those requirements had been the core elements of the Commission's resolution 1999/22. Furthermore, the Special Rapporteur had focused on heavily indebted poor countries and ignored the other developing countries.

57. A number of rights were involved in the challenges to development, including that of adequate financing for development, equitable global trade rules, fair access to knowledge and technology, the right not to be subjected to discriminatory treatment in the global economy for political or other non-economic reasons, and the right to effective participation in international economic decision-making. The elaboration of effective measures to realize economic, social and cultural rights depended on an objective assessment of the key impediments to the realization of such rights.

58. In a globalized economy, most such impediments arose from the inequitable nature of international trade and financial structures, as was evident from the gap between the richest and poorest peoples. Globalization had brought an increase in both prosperity and poverty, while a significant proportion of the world's population had been marginalized. In connection with the report of the Workshop on Human Rights and Extreme Poverty (E/CN.4/2000/52/Add.1), she commented that the international dimension and the impact of globalization needed detailed discussions.

59. As the High Commissioner for Human Rights had stated, a world in which economic, social and cultural rights were neglected was not one in which civil and political rights could

thrive. Unfortunately, economic, social and cultural rights had yet to be accorded the national and international priority they deserved. In the absence of such prioritization, poverty would continue to intensify, thereby denying their economic and social rights to a growing number of peoples, and threatening the civil and political structures of an increasing number of States and communities.

60. Mr. LIU Xinsheng (China) said that the international community was faced with the challenge of promoting and protecting economic, social and cultural rights, the full realization and enjoyment of which remained a distant goal for most developing countries. Developing countries had an enormous foreign debt burden, while Official Development Assistance (ODA) was steadily declining. The negative impact of globalization and the effects of the international financial crisis had increased the burden on the economies of developing countries, and more than half of the world's population lived in poverty.

61. The Commission must therefore take practical steps to promote and protect human rights, and must play its part in the realization of economic, social and cultural rights. It must urgently address the tendency to emphasize civil and political rights at the expense of economic, social and cultural ones. Due importance must be attached to issues of concern to the developing countries, such as the right to food, to drinking water and to health, the reduction of foreign debt and the dumping of toxic and other waste. The international community must be mobilized to take action to resolve the concerns of the developing countries.

62. The Commission must advocate the strengthening of international cooperation on the basis of equality and mutual respect, in order to remove obstacles to the realization of economic, social and cultural rights. The international community must be urged to display the political will to remove such obstacles by reducing developing countries' foreign debt and increasing ODA. Developing countries must also be encouraged to participate in the decision-making process in respect of world trade and the reduction of the negative impact of globalization. The Commission should encourage OHCHR to pay due attention to economic, social and cultural rights through the allocation of more human and other resources so as to contribute to the realization of such rights. For a very long period, only a small number of OHCHR officials had been responsible for those rights, a situation that must be urgently improved in order to reflect the importance of such rights.

63. China's achievements in the field of protecting and promoting economic, social and cultural rights were remarkable. Gross domestic product (GDP) had risen enormously, the country was feeding 22 per cent of the world's population using only 7 per cent of the world's arable land, the levels of rural poverty had dropped dramatically, average life expectancy had doubled in the past 50 years and the illiteracy rate was less than 15 per cent. In the light of China's experience, his delegation believed that, for such rights to be fully realized, appropriate development policies must be formulated in the light of national circumstances. His Government was not complacent about its achievements, but would continue to work for the improvement of the economic, social and cultural rights of its people and was ready to exchange experience and cooperate with other countries in that regard.

64. Mr. RODRIGUEZ CEDEÑO (Venezuela), having thanked the Special Rapporteur and the independent expert for their joint report (E/CN.4/2000/51), said that the challenges to development and the role of financial institutions had changed in recent years. Social problems would not be resolved if growth and development were focused solely on the market.

65. His Government supported all initiatives and activities aimed at finding a definitive solution to the serious problem represented by the foreign debt of all the developing countries. While there had been some positive developments, much greater efforts were needed to alleviate that debt. The General Assembly had adopted some significant resolutions on the increase of international cooperation in that regard. Effective and equitable policies must be adopted to bring about sustained economic growth and sustainable development. Significant changes must be made to traditional structural adjustment policies with regard to the heavily indebted developing countries in order to facilitate their reintegration into the global economy.

66. Countries must have the opportunity to promote social reform to adopt policies for the reduction of poverty, marginalization and social exclusion and to increase individual and collective levels of well-being, and to guarantee the full enjoyment of all human rights, particularly economic, social and cultural rights. The foreign debt burden restricted Governments' room for manoeuvre and their ability to achieve development and democratic governance and thus the full enjoyment of human rights.

67. Significant changes must be made to the policies pursued by international organizations, and he welcomed the announcement by the Bretton Woods institutions that strategic poverty reduction plans would be developed. Increased cooperation would be necessary between creditors, debtors, civil society and the United Nations system to deal adequately with the matter. Social and human rights considerations must form part of the monetary and financial balances to be achieved as a basis for development. Flexible formulas must be found to reduce foreign debt servicing if the developing countries were to deal successfully with the problems they faced within the international financial and monetary systems.

68. His delegation fully shared the concern expressed by the Special Rapporteur with regard to the relationship between debt, development, natural disasters and epidemics and agreed that countries beset by such problems should be given special treatment and that serious consideration should be given to the possibility of cancelling their foreign debt.

69. Mrs. de ARMAS GARCÍA (Cuba) said that economic, social and cultural rights continued to languish at the bottom of the human rights agenda. The right to development was still nothing but a dream for most developing countries. Even in the most powerful country in the world, 35 million people lived below the poverty line, 11.2 million went hungry and another 23.5 million suffered food insecurity.

70. The United States of America also took systematic action to violate the rights of other peoples, including her own. Over the past eight years, it had ignored General Assembly resolutions insisting that its blockade of Cuba be lifted. Its policy, which used hunger and disease as a means of imposing an economic, political and social model corresponding to its own imperialistic interests, was, by any standards, genocidal. Three generations of Cubans had suffered from the blockade for over 40 years.

71. The real aim of the economic war being waged by the United States, which most affected the most vulnerable sectors of society, was to snatch away from the Cuban people their hard-won freedom and democracy. The fact that Cuba had resisted the intensification of the blockade and the effects of the notorious Helms-Burton Act demonstrated both the efficiency of the Cuban system and the wide support of the Cuban people for its democratic model of social justice.

72. In the face of growing opposition in its own country and elsewhere, the United States Government had been indicating a softening of its policy towards Cuba. The Secretary of State had recently told the Commission that Cuba received more humanitarian aid from the United States than from any other country. That was quite untrue. Of the US$ 482 million in humanitarian assistance and development aid to Cuba between 1992 and 1998, only US$ 28,927,401 - or 6 per cent of the total received - had come from United States institutions. Moreover, all the aid had come from NGOs, churches and private companies, despite the numerous obstacles put in their way by various government departments. It reached Cuba despite, not because of, United States policy. Cuba was not the only country to suffer. At the end of 1998, economic sanctions were being applied to 75 countries, covering 52 per cent of the world population. She hoped that the Commission would overwhelmingly support the resolution submitted by the Non-Aligned Movement against the continuation of the blockade.

73. Mr. SABHARWAL (India) said that, despite the growing understanding of the universality and interdependence of human rights, poverty, exclusion and marginalization continued unchecked. Economic, social and cultural rights had begun to receive some attention but still not enough, owing to the excessive focus on civil and political rights in some countries. His country's Constitution had been deeply influenced by the Universal Declaration of Human Rights, and gave recognition to economic, social and cultural rights through a chapter on the "Directive Principles" of State policy. The Supreme Court had ordered that the Principles be "read into" the Fundamental Rights enshrined in the Constitution. It had also expressed the view that, unless the right to education, contained in the Directive Principles, was made a reality, Fundamental Rights would remain beyond the reach of the large segments of the population that were illiterate. Thirdly, it had ruled that the right to life meant the right to live with human dignity and the basic necessities.

74. His delegation regretted that the independent expert on structural adjustment and the Special Rapporteur on foreign debt should have submitted a joint report (E/CN.4/2000/51) that dealt only with the problem of debt and not with the effects of structural adjustment policies on the enjoyment of economic, social and cultural rights.

75. He noted with concern that, according to estimates by the Food and Agriculture Organization of the United Nations (FAO), the number of undernourished was a staggering 825 million. Further steps should be taken to realize the right of all to adequate food and to draw up a coherent United Nations strategy to that end. Attention should also be paid to issues raised in the report of the Special Rapporteur on the right to education (E/CN.4/2000/6), such as the growing gap between knowledge-based countries and education-deficit countries.

76. Careful consideration should be given to the issue of benchmarks and indicators, mentioned in the Secretary-General's report (E/CN.4/2000/47), since global benchmarks which did not take national conditions and availability of resources into account risked turning into a

set of pious wishes. As far as the proposal for a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights was concerned, action should be taken to seek the views of States before any further steps were contemplated.

77. Mr. THAKUR (Nepal) said that, over the past 30 years, the per capita income of the developed countries had increased from some US$ 5,700 to almost US$ 16,000, whereas the middle-income countries were trying to maintain their economic viability and the least developed countries (LDCs), which represented 14 per cent of the world population but only 0.6 per cent of world trade, were trying to avoid financial collapse. The LDCs export income could not even service their debts; indeed, the number of countries falling into the LDC category had risen from 42 in 1981 to 48 in 1999. No programme of action had met their aspirations. They might be labelled the "fourth world".

78. The gap between the developing and developed countries was growing as a result of the globalization process. Despite the efforts of the international community and the commitment by the developed countries, the trend of global cooperation in the field of development had not been promising. His delegation urged the United Nations to take urgent steps to reduce the increasingly unequal relationship between North and South.

79. The US$ 2.5 trillion debt burden on the developing countries could be relieved by taking a number of steps. First of all, a debt strategy involving the full implementation of the Uruguay Round and the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed Countries and Net Food-importing Developing Countries should be evolved. Secondly, there should be new debt relief measures, including debt cancellation, so that the LDCs could undertake economic reform and stabilization. Thirdly, the HIPC initiative should be realized. The IMF proposal to sell gold should not be adopted, since it might have an adverse impact on the economy of gold-producing developing countries. Other mechanisms should be explored for funding debt measures. A balanced approach combining debt cancellation, export-oriented mechanisms and development programmes should be adopted to ensure that countries did not fall back into the "debt trap".

80. Mr. PADILLA MENENDEZ (Guatemala) said that the lack of resources in developing countries made the adoption of policies to realize economic, social and cultural rights difficult. Taxation and international assistance were not sufficient to fund primary education for all children, to diminish infant mortality or to improve the life expectancy of those living in extreme poverty. The worst forms of child labour had not been eradicated; poverty had not been substantially diminished by the usual policy of job creation in small and medium-sized enterprises, since they were unable to compete in the global economy; micro-financing programmes - even in countries like Bangladesh where they had enjoyed great success - had not been able to relieve the extreme poverty of a billion people working in the informal economy. The world's wealth was concentrated in one fifth of mankind.

81. Structural adjustment policies designed to balance budgets and reduce inflation entailed the elimination of subsidies for public services, with negative effects on the majority of the population. The situation was exacerbated by the crippling amounts required to service the foreign debt. In that regard, his delegation believed that it was time for the Commission to adopt an integrated approach rather than divide its work into separate compartments. The resolutions

on extreme poverty, external debt, economic, social and cultural rights, the right to education, food and development, and the rights of the child should be seen to be interrelated. The Commission's discussions should be grounded in reality and the Bretton Woods institutions should take serious steps to implement the Commission's recommendations. The proposals put forward in documents E/CN.4/2000/51 and E/CN.4/1999/WG.18/2 should be implemented.

82. He urged the World Bank, the regional development banks and the G-7 Governments not only to assist in that aim but also to link debt relief to combating HIV/AIDS in Africa, particularly in countries such as Zambia; to examine the modalities of debt cancellation for reconstruction in countries that had suffered natural disasters; and to consider programmes linking debt relief to education, in the interests of eradicating the worst forms of child labour. Other organizations of the United Nations system could participate. Much could be achieved if the system enjoyed better coordination in following the Commission's recommendations and if all Member States put those recommendations into practice. It would also be desirable for resolutions relating to economic, social and cultural rights to be adopted unanimously in a spirit of cooperation rather than of confrontation.

83. Mr. HUSSAIN (Observer for Iraq) said that the International Covenants on Human Rights affirmed the right of States to enjoy full sovereignty over their natural resources. Yet some Powers were still exercising hegemony aimed at exploiting the wealth and resources of third-world countries through the use of coercive measures, economic sanctions, embargoes, globalization, transnational corporations and foreign debt.

84. His country was one of those targeted. It had been subjected to comprehensive economic sanctions since August 1990, which severely crippled all aspects of public life and dismantled the social fabric of society. The population had been denied the right to benefit from the revenue from its major resource, namely, oil. As a result, the movement of trade and financial transactions at both the national and international levels had been disrupted, unemployment had risen and living standards had deteriorated. Tourism, services and transport had also been severely harmed by the air and sea embargo imposed by the United States and the United Kingdom.

85. Moreover, thousands of Iraqis had had no choice but to leave the country to seek work, to the detriment of family life. Women found themselves having to deal with further responsibilities. State institutions such as nurseries, orphanages, centres for young people, the elderly and the disabled, among others, had been severely affected. Teaching institutions also faced a shortage of materials. During the year 1998-1999, 113,538 pupils had been forced to leave school to work in the informal sector. During the same period, 15,349 teachers had left the profession. Many publishing houses had been obliged to cease operations, since the country was forbidden to import publications, educational materials and the equipment and raw materials required for printing.

86. In addition, the hostile military operations conducted by the United States and the United Kingdom had harmed the infrastructure of public utilities, such as power stations, water sanitation, oil-pumping stations, docks, factories and silos. The aim was to destroy as many features of civilization as possible. Moreover, the munitions used contained depleted uranium,

the damage from which would be felt for the next 4 million years. Many international law experts had described the policy as genocide and he appealed to the Commission to give due consideration to the violations of the Iraqi people's human rights.

87. Mr. SFEIR-YOUNIS (World Bank) said that the era of structural adjustment might be over, but that of adjustment and sound macroeconomic management would, unfortunately, never come to an end. Mistakes had undoubtedly been made in the first phases of structural adjustment programmes, but it was also worth asking what would have happened if those adjustment operations had not been in place. The poor were undoubtedly better off than they would otherwise have been. Some of the lessons learned were that adjustment took more time than originally expected; that the partial application of elements constituting real adjustment might be more detrimental than not applying the package at all; that the interests of the poor were best served through participation, good governance and democracy; and that long-term structural problems must be addressed, otherwise short-term stabilization programmes would be short-lived.

88. The whole of a society should be involved in deciding its destiny. Policy-making could not be the privilege of a few. The need to empower the poor, women and the powerless had been recognized. The Bank greatly valued its joint review of adjustment operations with a large group of NGOs, under a programme called the Structural Adjustment Participatory Review Initiative (SAPRI).

89. Discussion of the debt issue often involved a number of fallacies. The first was that total debt cancellation was tantamount to placing additional resources in the hands of the poor or for public services in their countries. That would be the case only if specific policies to that end were adopted. The second fallacy was that debt cancellation would mean that a country need undertake no further borrowing. Borrowing was sometimes, however, the best policy. Unfortunately, the sum borrowed was all too often not used proactively.

90. It was a tremendous task to take a person out of poverty in a sustainable way. In his own family, it had taken two generations. To achieve the same for the 1.5 billion people living on less than US$ 1 a day would require massive individual and collective action, as well as a completely different approach to development. As far as the principle of the universality of rights was concerned, he pointed out that there must be trade-offs in the allocation of scarce resources and that affordability was an essential element of the equation. When providing free primary education, it was essential to ensure that a cost-recovery policy was in place, otherwise the long-term sustainability of education would be damaged. Certainly, it was another fallacy to make a link between debt repayment and school fees. Much could certainly be achieved through the HIPC initiative, which needed full funding. That, however, would entail a net increase in the cost of lending, in particular to middle-income countries.

The meeting rose at 1.05 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. RODRÍGUEZ CEDEÑO (Venezuela)

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GE.00-12299 (E)

The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. THORBJØRN JAGLAND, MINISTER FOR FOREIGN AFFAIRS OF NORWAY

1. Mr. JAGLAND (Norway) reaffirmed his Government's commitment to the protection of human rights. At the national level, since the adoption of the Universal Declaration of Human Rights and other related instruments, his Government had been striving to adapt its political and legal system to that commitment, as witnessed by the incorporation of the core human rights instruments into Norwegian law and the adoption of a national action plan in that area. Human rights were universal rights; but they also had to be put into practice.

2. The right to life was the most fundamental of human rights. He urged all States Members of the United Nations which had not yet done so to abolish capital punishment and called on the Commission to take a clear stand on that issue.

3. Racism and racial discrimination, to which no country was immune, had to be tackled by raising awareness, with Governments taking the lead. In Norway, a legislative committee had recently been appointed to prevent ethnic discrimination in all sectors and at all levels of society. Legal equality was a first step; the next was to root out the inequalities that existed by protecting the underprivileged. The international community should contribute by ensuring, at the very least, that existing international standards were observed. As a result of globalization, there was a trend for people to seek, quite justifiably, to preserve their identity. However, care must be taken to ensure that the trend did not degenerate into chauvinism, intolerance or outright racism.

4. Combating poverty must be a priority. That was why the right to development, which was based on the idea that the primary responsibility for ensuring the well-being of the population rested with the State, was so important. Countries had a duty to provide assistance in that area. It was regrettable that most of the industrialized countries were well below the agreed target of devoting 0.7 per cent of their gross national product to development. In a global economy, solutions had to be global. What was needed was a new partnership between developing countries and developed countries, with commitments from the former to follow results-oriented policies and from the latter to meet their target of 0.7 per cent within a given time limit.

5. With reference to the Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations, he said that his delegation would shortly be submitting a draft resolution to the Commission requesting the establishment of a mechanism to advise Governments, monitor the implementation of the Declaration and gather information on the situation of human rights defenders in all parts of the world.

6. In February 2000, Norway had become the seventh State to ratify the Rome Statute of the International Criminal Court. He invited all States to take the necessary steps to ratify the Statute.

7. With regard to the protection of human rights, he stressed the importance of assistance and cooperation. His Government provided such assistance both bilaterally and within the framework of the Technical Cooperation Programme in the Field of Human Rights of the Office of the High Commissioner for Human Rights.

8. His Government fully supported the work of the Special Representative of the Secretary-General on the impact of armed conflict on children, as well as the work of the United Nations Children's Fund (UNICEF) and other international organizations active in that field. It also welcomed the fact that two additional protocols to the Convention on the Rights of the Child were to be considered at the current session.

9. Every year 3 million children died from curable diseases. His Government was prepared to make a substantial contribution to the global vaccination programme set up under the auspices of the World Health Organization, the World Bank, UNICEF and private donors.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(agenda item 10) (continued) (E/CN.4/2000/6 and Add.1-2, 46 and Add.1, 47-49, 51, 52/Add.1 and 53; E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140; CHR/RES/1998/25 and 26; E/CN.4/Sub.2/1999/12; E/CN.4/1999/48 and 49; E/CN.4/Sub.2/1999/10; E/1999/55; A/54/316 and 222 and Add.1)

10. Ms. TOMASEVSKI (Special Rapporteur on the right to education), introducing her report (E/CN.4/2000/6 and Add.1 and 2), said that one innovation in her work was the follow up to her country missions. She had visited Uganda twice in the previous year, including as part of her cooperation with UNICEF, and had observed great improvements in primary education. She had also visited the United Kingdom, where the Government stressed rights-based education in the framework of its international cooperation. She would report on the follow-up to that mission at the next session of the Commission.

11. With regard to the realization of the right to education, the situation was not very satisfactory. The obstacles to the realization of that right, which were mainly financial, still affected at least half of the children in the world. Fees were charged in at least 42 countries for primary education, which was not compulsory in 48 countries.

12. As the Commission wished to establish a dialogue with the international development agencies, she had continued to cooperate with the World Bank. She had found that there was a big difference between the concept of education itself and the right to education. In particular, the length of time spent in basic education, which currently concerned children aged between 6 and 11, should be extended up to the minimum age for admission to employment.

13. If primary education was to be truly compulsory, it must also be free. In that respect, the international community as a whole would have to comply with international human rights standards. The draft final document for the meeting of the International Consultative Forum on Education for All, due to be held shortly in Dakar, marked a big step forward in that regard, as it specifically referred to the right to education as one of the fundamental rights, the need for primary education to be compulsory and free and the absence of gender bias in school

programmes. One of the gaps in international strategies remained the non-recognition of grounds for discrimination in education. There was a lack of statistics on access to education according to race, ethnic origin, religion or membership of a minority.

14. Another area which had attracted her attention was the legal status of the right to education, on which she had undertaken a worldwide study of jurisprudence. In most countries, education had become a legal obligation, as shown by the abundance of case law illustrating the four fundamental principles on the subject: availability, accessibility, acceptability and adaptability. In some countries, for instance, the courts emphasized the rights of handicapped school children, who should receive an education adapted to their needs.

15. Moreover, the Convention on the Rights of the Child had helped to modify the concept of education, which had once been viewed as something imposed on children, rather than as a right they enjoyed. Her analysis of the jurisprudence showed that the child henceforth had the possibility of going to court to demand access to education; the child was henceforth recognized as a subject of rights, not as the object of an obligation.

16. The right to education went far beyond all children having the opportunity to go to school. It implied that the educational process as a whole should be in conformity with all international human rights standards. In that respect, she proposed, in anticipation of the forthcoming World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, to study educational trends and courses so as to determine to what extent they complied with human rights requirements. She also intended to study the subject from a gender perspective. In that area, there was definitely much to be done.

17. Mr. Rodríguez Cedeño (Venezuela) took the Chair.

18. Mr. BELIZ (Observer for Panama), speaking as coordinator of the group of Central American countries, referred to the issue of the impact of economic adjustment measures on the effective enjoyment of human rights, including the right to development.

19. Human dignity was the central concern of Central American Governments in their efforts to increase employment, which was the most important means of reducing poverty, and he called on the international community to provide greater support for those efforts. Poverty and ignorance were the main enemies of development. The Governments in the region were also trying to consolidate democracy, in the belief that it was the best investment they could make.

20. He thanked the independent expert on structural adjustment, Mr. Fantu Cheru, and the Special Rapporteur on foreign debt, Mr. Figueredo, for their joint report (E/CN.4/2000/51) on the negative effects of debt on the full enjoyment of economic, social and cultural rights. The report clearly showed the burden imposed on developing countries by debt-servicing, citing, among others, the cases of Honduras and Nicaragua. The financial institutions should apply the recommendations in the report and, to that end, should adopt economic policies with a view to achieving sustainable development, social progress and fairness.

21. He was deeply concerned at the build-up of debt, the servicing of which was jeopardizing economic expansion, especially in the developing countries which had implemented structural

adjustments or been hit by natural disasters. He was in favour of a system that would allow those countries to settle their debt problems without neglecting the social and human factor. He called on the international financial community to do more to alleviate that debt. He supported the proposal by the independent expert and the Special Rapporteur to establish a link between debt relief and social action, along the lines of the Brazilian "Bolsa Escola" programme, which had helped boost education and abolish the worst forms of child labour. Every local programme should of course fit in with global projects to eliminate poverty by creating jobs and stable sources of income for the poorest families.

22. Mr. RAJA NUSHIRWAN (Observer for Malaysia) stressed that it was increasingly recognized, including by the developed countries, that there was a close interdependence between economic, social and cultural rights and civil and political rights. The full enjoyment of economic, social and cultural rights was possible, particularly in the developing countries, only if the necessary infrastructure - including schools and hospitals - was in place. In those countries without such an infrastructure, the exercise of those rights was dependent on the cooperation of the international community. He proposed that international partnerships for the realization of economic, social and political rights should be further promoted, so that efforts in that direction would not depend solely on the benevolence of the rich. In that regard, he welcomed the references to the international dimension in the report by the Special Rapporteur on the right to education.

23. His delegation had read with interest the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt, but regretted that their two mandates had been merged. Like the Special Rapporteur on the right to education, the independent expert and the Special Rapporteur denounced the inadequacy of the international system when faced with the non-observance of economic, social and cultural rights in the developing countries. They also rightly denounced the deceptive nature of the Heavily Indebted Poor Countries Debt Initiative and the consensus reached by the G7 in June 1999 in Cologne. The Initiative and the Enhanced Structural Adjustment Facility were in fact only a backdoor way for the World Bank and the International Monetary Fund (IMF) to keep control over the development policies of the indebted countries.

24. He appreciated the frankness with which the authors of the joint report pointed out, in paragraph 97, under the heading "The United Nations system and the challenge of mainstreaming human rights", the shortcomings of the staff of the Office of the High Commissioner for Human Rights, who were "either unfamiliar with the substantive discourse on the links between human rights, economic globalization and the struggle to reform global economic governance, or they simply [did] not care at all". He urged the High Commissioner, whose own abilities were not in question, to remedy that situation. He agreed with some of the corrective measures proposed, namely, to strengthen the internal research and analytical capacity of the Office of the High Commissioner, including by drawing on the resources of the Sub-Commission on the Promotion and Protection of Human Rights. It would really be intolerable if the Office of the High Commissioner for Human Rights, with its aspirations to be a global organization, were to have the same hypocritical attitude as the rich countries towards the poorest.

25. Ms. FIGUEROA (Observer for Honduras) welcomed the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt, which gave a clear account of the situation in her country following the natural disaster caused by Hurricane Mitch in 1998. She regretted that the open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights had been unable to meet; she did not understand why the meeting had been postponed or why some developed countries had so little interest in the question.

26. Her Government appreciated the desire of the authors of the report to make world opinion and international organizations aware of the need to provide unconditional emergency financial aid to the three countries mentioned in the report - Zambia, Honduras and Nicaragua - which were facing a humanitarian crisis. She called on the financial organizations to study the measures recommended by the Special Rapporteur and the independent expert with a view to helping the countries affected embark upon a course of truly sustainable development.

27. The report accurately reflected the situation in Honduras, where a mountain of foreign debt weighed heavily on the economy. Her Government had undertaken reforms approved by the World Bank and the IMF so as to be able to benefit from the Heavily Indebted Poor Countries Debt Initiative. In 1990, it had launched a structural adjustment programme to make the economy more efficient, reduce public spending and encourage the private sector. It had worked to remove the obstacles to foreign trade and price controls, to privatize services and companies and to encourage investment. In order to soften the very heavy impact of the austerity measures on the population, the Government had set up a social investment fund and a family welfare programme focused, respectively, on the establishment of a socio-economic infrastructure and on food aid.

28. Despite its desire to meet all social needs, the Government was forced by lack of resources to limit its action by giving priority to the poorest sectors of the population. It was nevertheless still firmly committed to strengthening democracy and combating poverty. To that end, it had appealed to the international community for the aid that was indispensable for economic recovery. In that perspective, the Government had recently produced a preliminary analysis before drafting a comprehensive strategy, the implementation of which would be a daunting and long-term task. The Government's basic concern was to reduce poverty and it intended to tackle that problem through dialogue with the whole of society, in the interest of all citizens.

29. Ms. BIGI (Observer for San Marino) said that her Government was concerned about the problem of foreign debt, which increased the inequality between rich and poor countries to the detriment of the latter's economic growth. On that point, she praised civil society and non-governmental organizations (NGOs) for their awareness-raising activities. Her Government, for its part, fully supported the all-too-modest initiatives to alleviate or cancel foreign debt. In their joint report, the Special Rapporteur on foreign debt and the independent expert on structural adjustment highlighted, the limitations of the new initiative adopted by the G7 in Cologne in June 1999 to strengthen the action of the IMF and the World Bank; on the other hand, they emphasized the relevance of the link established by that initiative between debt relief and a global strategy to combat poverty. Poverty was indeed one of the main obstacles to the full enjoyment of the fundamental rights set forth in the Universal Declaration of Human Rights. It

was up to the countries concerned to define national strategies, in cooperation with the Bretton Woods institutions, United Nations agencies and NGOs. The funds released by debt relief could be invested in economic and social development, including in education, health, environmental protection and employment.

30. She hoped that, at its next session, the Commission on Human Rights would be able to take note of new, more effective initiatives to alleviate foreign debt and improve living conditions in the countries concerned.

31. Ms. LUDVIGSEN (United Nations Centre for Human Settlements (Habitat)) said that around 1 billion people around the world were not adequately housed and that more than 100 million were homeless. In 1996, the second United Nations Conference on Human Settlements (Habitat II) had adopted the Global Plan of Action, the Habitat Agenda, of which one of the two themes was "adequate shelter for all". Within the framework of that agenda, States had undertaken to take the necessary steps to allow everyone to enjoy, without discrimination, the right to housing and to legal security of tenure. However, the Habitat Agenda was careful not to create unrealistic expectations. While States were required to ensure the progressive realization of the right to adequate housing, they were under no obligation to satisfy all housing needs directly. It was, however, incumbent upon them to create the conditions that would allow that objective to be achieved.

32. At its seventeenth session, the Commission on Human Settlements had endorsed a new approach to the implementation of the Habitat Agenda, one of the main components of which was the promotion of security of tenure. That new approach was based on paragraph 40 of the Habitat Agenda, in which States had undertaken to guarantee legal security of tenure and equal access to land by all people, including, in the case of women, access to economic resources and the right to inheritance and to ownership of property. The new global campaign for secure tenure put the emphasis on building partnerships between the various levels of government, United Nations organizations, the private sector, NGOs and community-based associations. Within the general framework of that campaign, Habitat also intended to implement, together with the Office of the United Nations High Commissioner for Human Rights, a United Nations housing rights programme. Recognition of security of tenure would not resolve all the problems, but it was a necessary precondition for setting up a sustainable housing policy.

33. She was sure that the appointment of a special rapporteur on housing rights would be a major step forward and a reflection of the Commission's commitment and that it would allow the action taken in that area by United Nations agencies to be coordinated.

34. Ms. ABOULNAGA (Observer for Egypt) said that people could not exercise their civil and political rights unless they enjoyed their economic, social and cultural rights. Such an approach could not be considered as an attempt to limit State responsibility in respect of the realization of civil and political rights, as it was quite clear that the exercise of the latter was the ultimate objective.

35. The United Nations High Commissioner for Human Rights had denounced the poverty afflicting a growing number of people at a time of unparalleled prosperity in some parts of the world. With respect to the realization of economic, social and cultural rights, as well as civil and

political rights, the poorest countries, especially the African countries, still faced serious obstacles. In that connection, it was noteworthy that an African-European summit had just opened in the Egyptian capital, during which the issue of forgiving the debt of the poorest countries would be high on the agenda.

36. Her Government had reservations about the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which provided for the submission of communications in the case of non-observance of the rights set forth in the Covenant. It was well known that many non-State actors played a role in the economy and it would not be fair if States were punished when they did not have complete control over economic activity and when poor countries often had their hands tied in that area. It was especially important that the international community, particularly the industrialized countries, should create more equitable economic conditions.

37. Ms. AVILA SEIFERT (Observer for Bolivia) said that, in Bolivia, a heavily indebted developing country where the average income was barely more than US$ 1,000, economic, social and cultural rights were recognized in the Constitution. In recent decades, her Government had enacted, not without sacrifice, radical reforms in all spheres to ensure enjoyment of those rights. To that end, it had adopted many laws and taken the necessary measures. The People's Participation Act had strengthened town council's administrative autonomy and hence citizens' participation in decision-making. The Office of the Ombudsman was responsible for defending citizens' rights. The Domestic Violence Act, the children's and young people's advocates and other mechanisms to protect the family ensured greater observance of the rights of women and children. Act No. 975 of 1998 provided employment guarantees for pregnant women. Moreover, the new electoral code, the Quotas Act and the decree on equal opportunities for men and women promoted the realization of women's rights.

38. The Educational Reform Act guaranteed that education was free, as well as intercultural and bilingual. A national literacy plan had been implemented as part of the anti-poverty campaign. The four pillars of health policy were basic health insurance, a State pension scheme, epidemiological monitoring and improved health services. Children had the right to a breakfast provided free of charge in school. In the area of work and training, the non-stop working day had been introduced and various training centres opened. The heads of small businesses and craft workers received specific forms of support, including microcredit.

39. For 20 years, Bolivia had been characterized by political and economic stability and very low levels of violence. Nevertheless, it was still one of the least developed countries in South America. The value of its exports had fallen in absolute terms. Despite all its efforts, the sacrifices made and the implementation of recommendations by international agencies, its economic and social situation had barely improved. Bolivia was currently going through a particularly serious crisis - so serious that the Government had launched an emergency plan to boost the economy. The fact was that the repayment of its foreign debt, the closure of foreign markets to its new products and the deterioration in its terms of trade were paralysing the country. Those conditions meant that Bolivia, like so many other countries, could not achieve the objectives laid out in international conventions. In that kind of situation, a State could not guarantee the full observance of its citizens' rights unless the international community gave it the

means with which to realize its right to development and to draw up programmes adapted to its particular circumstances and gave it access to information technology and scientific advances.

40. Mr. MASUKU (Food and Agriculture Organization of the United Nations - FAO) recalled that the World Food Summit, held in Rome in November 1996, had set the target of halving the number of undernourished people by the year 2015 and had reaffirmed the right of everyone to adequate food, in conformity with article 11 of the International Covenant on Economic, Social and Cultural Rights. The High Commissioner for Human Rights had been entrusted with the task of better defining food-related rights and proposing ways to implement them. He was pleased to note that, in cooperation with other organizations, the High Commissioner had made considerable progress in the implementation of her mandate, as was clear from the report she had submitted to the Commission (E/CN.4/2000/48).

41. The year 1999 had been marked by the following events: the holding of a seminar on the policies of rights-based approaches to food and nutrition, the adoption by the Committee on Economic, Social and Cultural Rights of the general comment on the right to adequate food and the updating of the study on the right to food submitted by the Sub-Commission's Special Rapporteur on the right to adequate food as a human right, Mr Asbjørn Eide. Those were important milestones in the realization of objective 7.4 of the World Food Summit Plan of Action.

42. However, although the normative content of the right to adequate food and the nature of State obligations had been clarified, the implementation of that right still left much to be desired. In its resolution 1999/12, the Sub-Commission had recommended that the High Commissioner should organize a consultation on that issue. He supported that proposal. According to FAO statistics, the number of people who were undernourished was falling, but progress was slow - too slow for the objective set at the World Food Summit to be achieved.

43. It was therefore important that all the authorities concerned, particularly Governments, should step up their efforts to promote the implementation of the right to adequate food. He stressed that the States parties to the International Covenant on Economic, Social and Cultural Rights had an obligation to take the appropriate legal and administrative measures for that purpose. The Committee on Economic, Social and Cultural Rights, the Special Rapporteur and the Sub-Commission had recommended the adoption of framework legislation for the implementation of the right to adequate food. FAO was very much in favour of that proposal. States wishing to include provisions on the right to food in their legislation could seek assistance from the advisory services of the High Commissioner or FAO.

44. The next session of the FAO Committee on World Food Security would be held in September 2000. On that occasion, States might wish to include, in their statement to the Committee, comments on actions they had taken to put into effect the commitments they had undertaken at the World Food Summit. Meanwhile, the Commission might like to request the High Commissioner to make recommendations in her report to the Committee for strengthening cooperation between the secretariats of the main organizations concerned with the right to food.

45. Mr. PERAZZO SCAPINO (Observer for Uruguay) said that his country was ranked 40th out of 174 countries on the human development index of the United Nations Development

Programme (UNDP); that meant it had achieved a high level of human development. Of the 18 countries of the Economic Commission for Latin America and the Caribbean, it was the one that devoted the largest part of its budget to social expenditure and one of those with the lowest levels of poverty. In fact, poverty had been in continuous decline throughout the 1990s. Those results, in which his Government took pride, had been achieved through the adoption of measures to help the most vulnerable sectors of the population and through price stability.

46. With regard to education, his Government had set up an ambitious investment programme to build nursery schools, with priority being given to disadvantaged areas. Half of the new pupils enrolled following the educational reform were from the social classes with the lowest income. The four points highlighted by the Special Rapporteur on the right to education, namely, availability, accessibility, acceptability and adaptability, were covered in his Government's education policy.

47. His Government attached great importance to the activities of the Working Group on Structural Adjustment and found the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt very interesting. The adoption of the resolution on structural adjustment programmes and the links between them and economic, social and cultural rights should be an opportunity to hold a wide-ranging, in-depth and practical debate on the effects of those adjustments and to consider producing guidelines in that area.

48. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, 30 years earlier, the first International Conference on Human Rights had stated, in the Proclamation of Teheran, that the full enjoyment of civil and political rights was impossible without that of economic, social and cultural rights. Despite the clarity of that statement and the fact that the international community had later recognized the indivisibility of the aforementioned rights, the fact was that the issue of the realization of economic, social and cultural rights was dealt with only as a side issue at the international level and no significant progress in the enjoyment of those rights could be observed. It was equally disappointing that, although the main obstacles to the full realization of economic, social and cultural rights had been identified, they had neither received the consideration they deserved nor been followed up by concrete and tangible measures within the United Nations system and the international community at large.

49. The imbalance between economic, social and cultural rights and civil and political rights therefore persisted, while the gap between developed and developing countries grew wider. The countries of the South were increasingly concerned that the Commission always put the emphasis on civil and political rights. No mention was made of the statement in the Vienna Declaration and Programme of Action that human rights were universal, indivisible, interdependent and interrelated.

50. One of the obstacles facing the developing countries in the exercise of their economic, social and cultural rights, including the right to development, was the thorny problem of foreign debt. Those countries should be helped and their Governments' efforts supported. Financial, monetary and economic institutions and trade organizations should make greater efforts to eliminate the obstacles to the enjoyment of economic, social and cultural rights, including through the adoption of transparent and objective criteria and through healthy and unbiased cooperation with all States.

51. Mr. AL-ATTAR (Observer for Yemen) said that, in 1995, his country had prepared in conjunction with the IMF and the World Bank, a reform programme to reduce the budget deficit and improve the country's balance of payments. As part of that programme, the Government had stopped subsidizing staple goods and that had had very negative effects on people's living conditions, particularly among the poorest. Moreover, during the period 1992-1996, salaries had fallen by 70 per cent in real terms. The return of 600,000 migrants to the country had also increased unemployment. That situation had forced the Government to take steps in the field of food security in order to meet the needs of around 50,000 families. Generally speaking, the Government provided assistance to 40 per cent of the population living below the poverty line. The difficulties encountered by Yemen were similar to those facing many other developing countries. It was vital that the creditor countries should alleviate the debt burden of those countries. In that connection, he asked that the recommendations made along those lines by the regional round tables, particularly the one recently held in Sana'a, should be implemented. A special rapporteur should also be appointed to follow closely the issue of developing countries' debt.

52. Ms. JOYE (International Federation of University Women) made a statement on behalf of her own organization and the following NGOs: the International Federation of Business and Professional Women, Zonta International, the World Federation of Methodist and Uniting Church Women, the International Council of Women, the International Alliance of Women, the Associated Country Women of the World, the Women's World Summit Foundation, Soroptimist International, the World Young Women's Christian Association and the World Alliance of Young Men's Christian Associations.

53. Recalling the commitments entered into by States at the World Summit for Social Development in Copenhagen, particularly the commitment to promote the economic, social and cultural rights of women and to bring about gender equality, she asked those Governments which had not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization (ILO) conventions on gender equality in the workplace. The first step towards observance of women's rights was to recognize those of young girls, as set forth in the Convention on the Rights of the Child. It was also very important to ensure equality for women against the background of globalization and the new economy based on information, communication and technology. It was equally vital to ensure that women's rights both as mothers and as workers were respected. That was the intention of the Convention concerning Maternity Protection, due to be debated by the ILO at its annual conference in June 2000. In the same vein, ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities was closely linked to the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111).

54. Moreover, the commitment by Governments to promote access for all to education implied that the mandate of the Special Rapporteur on the right to education should be renewed in the coming year. In that connection, she stressed that women and girls still had very limited access to both formal and informal basic education and that the situation was worse in middle and higher education.

55. Recalling that the Economic and Social Council and the General Assembly had stressed the importance of gender-mainstreaming at all levels of society and the need to ensure that women were involved in decision-making and the pursuit of sustainable social and economic development, she said it was unfortunate that United Nations bodies did not systematically provide gender-disaggregated data. She therefore called on all those bodies and States parties to adopt that practice, as recommended, moreover, by the ILO Conference in 1998.

56. Lastly, she was pleased to note that women were successful in setting up enterprises with the very limited means at their disposal. It was vital that Governments and banking and financial institutions should facilitate women's access to credit. Likewise, in property matters, women should no longer be treated like irresponsible minors, as they were at the moment, even in some developed countries. Only by acquiring full legal capacity would women be able to play an increasingly important role in the new economy based on electronic commerce, particularly in the context of subcontracting, which, according to the United Nations Conference on Trade and Development (UNCTAD), was becoming more and more important.

57. In the light of the foregoing, she believed that the draft resolution on the right of women to land, property and housing, which the delegation of Mexico intended to submit, was crucial. She urged the Commission to adopt that text at its current session.

58. Mr. MIOT (International Federation of Rural Adult Catholic Movements - FIMARC) said that the current research into genetically modified organisms (GMOs) was jeopardizing food sovereignty, food security and biodiversity. Such research was against the interests of farmers and consumers. In fact, the seed companies' aim was to force farmers to buy increasingly high-yield seed and new pesticides every year. The concentration of agrochemical firms was disturbing. Eight companies accounted for four fifths of the world agrochemical market and were preparing to control world food production and introduce GMOs. The alliance between agrochemical transnational corporations and seed companies put farmers in a position of total dependence. That was the reason for the protests outside the office of the World Trade Organization (WTO) in Geneva in June 1999 by representatives of farmers' organizations from the countries of the South, including Brazil, Mexico and Bangladesh, together with 400 farmers from India.

59. Farmers' organizations and the movements of FIMARC strongly urged that research into biotechnology should not be restricted to GMOs, but should be devoted, inter alia, to improving conventional seeds or research into drought-resistant varieties of plants. They could never accept measures to introduce GMOs into agriculture, as that would jeopardize food sovereignty. That was why they were asking States to ratify quickly the Convention on Biological Diversity, to take the necessary steps to ensure that the protocol on biosecurity recently adopted in Montreal became a tool for policy decisions allowing a State effectively to prohibit GMO imports, and to ensure that three key principles were observed, namely, prevention and precautions, information and transparency and, lastly, the sharing of responsibility by all actors. Those three principles could form the basis for a universal convention on the rights of all forms of life, which would state that "life forms" could not be "appropriated" because they were part of the common heritage of mankind.

60. Ms. TOM (Caritas Internationalis) said that her organization was a confederation of 158 national organizations mandated to spread solidarity and social justice throughout the world, particularly with regard to the poor and marginalized. One way to combat poverty was through debt relief. However, it was essential to ensure that the benefits of such relief reached the poorest; in other words, they should take the form of investment in education and health care.

61. Although some Governments were aware of the problem and had taken substantial steps to improve the situation of the heavily indebted poor countries, in many cases that debt had reached such levels that it was stifling all economic and social development. According to UNICEF, in one African country, four times more was spent on repaying debt than on primary education and nine times more than on the budget for basic health care. She recalled that, in November 1999, the Security Council itself, being aware of the close links between economic and social problems and armed conflicts, had stressed the need to assist Member States in eradicating poverty, strengthening development cooperation and assistance and promoting respect for human rights and fundamental freedoms.

62. Mr. ELOFSSON (International Save the Children Alliance) said that economic policy decisions had a direct effect on all aspects of children's lives. A number of analytical tools were necessary if the rights of children were to be taken into account in policy-making. As a contribution to the formulation of such tools, his organization had published a book on the situation of children and economic policy within the European Union. The book showed that the effects on children of policies adopted by the European Union, including monetary policies, were rarely taken into account. The same was true of labour policies. In that area, globalization had led the countries to show greater flexibility, which had in some cases been beneficial for children. However, in other cases, that flexibility had taken the form of short-term contracts and insecurity, which had had negative effects on families. Generally speaking, labour policies seldom took into account the situation of children.

63. In the field of trade, although many European Union trade agreements included a human rights clause, those clauses almost never concerned children. It was virtually impossible to determine the level of budgetary resources allocated by the countries of the European Union to children's development. Generally speaking, macroeconomic policies, far from being neutral, tended to be biased in favour of adults. His organization and its partners in the developing countries were therefore working on child-focused budget analyses, which were a first step towards child-friendly policy-making.

64. In conclusion, he invited all Governments, particularly those of the member countries of the European Union, to analyse and monitor closely the effects of macroeconomic policies on different age groups, including children, to study the impact of trade agreements on children's well-being and to ensure that those agreements included a clause on human, particularly children's, rights, and to identify the resources which, directly or indirectly, benefited children.

65. Mr. PERERA (World Federation of United Nations Associations) drew attention to the appalling situation of the vast majority of people in sub-Saharan Africa, excluding South Africa.

66. According to the Human Development Report 1999, 26 of the 35 poorest countries in the world were located in that region. A very high percentage of the people in those countries lived

below the poverty line and the health situation there, especially that of children, was deplorable. Of the 34 countries most affected by AIDS, 29 were in sub-Saharan Africa and it was estimated that 50 per cent of the children born there in the next few years would be HIV-infected. In the same region, 42.4 per cent of adults were illiterate and most children dropped out of school very early. There was a clear gender gap, particularly with regard to access to education and participation in economic and political activities. Genital mutilation of girls was still widespread in the region. Moreover, of the 41 most heavily indebted poor countries, 33 were in sub-Saharan Africa. There was therefore a need to reduce the debt burden of those countries, as provided for in the Heavily Indebted Poor Countries Debt Initiative; their debt should be partially or even totally cancelled. The Lomé Convention should be renegotiated so that aid was directed towards specific projects in the areas of health and education. It was true that instability in those countries and the reports of corruption among the elites discouraged foreign investment. While it was obviously up to the countries themselves to remedy the situation with the help of regional organizations, the international community still had a crucial role to play in the development of sub-Saharan Africa, especially if it was not to be allowed to remain marginalized as it had been before and during the genocide in Rwanda.

67. Ms. MWEBWE NTUMBA (International Federation of Human Rights Leagues) said that less attention had always been paid to economic, social and cultural rights, including by the Commission on Human Rights. Globalization, however, had brought with it an increase in the number of economic and social actors, so that the question of the responsibility of those new actors was now of paramount importance.

68. It was vital that the validity of trade agreements should be subordinate to compliance with international human rights instruments. Governments and economic bodies, with WTO at the forefront, should ensure that free trade did not become an end in itself, but was aimed at achieving sustainable development and respect for human rights. She therefore requested the Commission to consider setting up a mechanism to ensure that multilateral trade agreements were compatible with the principles set forth in the Universal Declaration of Human Rights and the two 1966 covenants. Moreover, the conclusion of a formal cooperation agreement between the Office of the United Nations High Commissioner for Human Rights and WTO would be a decisive step in having human rights, particularly economic, social and cultural rights, properly taken into account in negotiations on trade agreements.

69. The State was still the only actor with truly international obligations to monitor the observance of those rights. The adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights would make it possible to clarify the responsibility of States which used the growing importance of external actors as a smokescreen and also to recognize the right to individual remedies. Recourse to such remedies should not be restricted to the right to work, but should also apply to the right to housing, the right to health care, the right to food and the right to education. The Committee on Economic, Social and Cultural Rights had in fact reaffirmed that every right contained in the Covenant comprised at least a minimum number of enforceable elements. That was already the case in Europe, where a trade union or an NGO could bring a case before the European Committee of Social Rights.

70. Ms. DEONNA (Union of Arab Jurists), speaking also on behalf of the World Movement of Mothers, the Women's International Democratic Federation, the General Federation of Arab

Women and the International Organization for the Elimination of All Forms of Racial Discrimination, said that the economic sanctions imposed on Iraq hit the most disadvantaged sectors of the population hardest and that a generation of young Iraqis was growing up suffering physically and mentally from the lack of food and care. The sanctions flagrantly violated article 1 of the two international human rights covenants, according to which a people could in no case be deprived of its own means of subsistence.

71. She was a journalist and writer and had received the United Nations Educational, Scientific and Cultural Organization (UNESCO) Prize for Peace Education in 1987, written a book on the Gulf War entitled Mon enfant vaut plus que leur pétrole ("My child is worth more than their oil") and had chaired a seminar entitled "Iraq + depleted uranium + embargo = genocide", held at the University of Geneva in March 2000.

72. During the seminar, participants had heard reports denouncing the iniquitous decisions which, in the name of the embargo, left the Iraqi people starving, sick and humiliated. Shortly before then, the United Nations Humanitarian Coordinator for Iraq in Baghdad, Mr. Hans von Sponek, and the head of the World Food Programme in Baghdad, Ms. Utta Burkart, had handed in their resignations and denounced an intolerable situation. Mr. von Sponek's predecessor, Mr. Dennis Halliday, had also resigned, saying: "The tragedy of the Iraqi civilians has reached a point where I can no longer remain silent".

73. According to Le Monde of 16 March, a delegation of five American advisers, who had been sent to Iraq by the House of Representatives, had said in their report that "the oil-for-food programme barely satisfies the immediate physical needs of the Iraqis, while nothing is being done to meet their spiritual needs".

74. In the light of the suffering of the Iraqi people, the Commission on Human Rights should adopt a resolution demanding the immediate lifting of that unjust embargo.

75. Mr. TAMTHAI (Asian Legal Resource Centre Ltd.) said that food was so scarce in Myanmar that one inhabitant who had fled to Thailand had said that it was a privilege for him and his family to have become refugees.

76. In flagrant violation of the right to adequate food, the army of Myanmar burned food and crops, displaced communities and relocated them in regions where they could not provide for themselves. As reported by the ILO, moreover, the State forced people to work without wages on the construction of roads, dams or canals.

77. All parties to the armed conflict in Myanmar should recognize that food, crops and farmland were not legitimate military targets and that the people displaced by conflict should be able to return home and resume subsistence farming without being compelled to do forced labour or being subjected to arbitrary taxes. Lastly, the authorities of Myanmar should stop giving priority to rice exports at the expense of food security and should improve their relations with farmers.

78. Ms. LAMBERT (Centre on Housing Rights and Evictions) said that over 1 billion people were inadequately housed, over 100 million were homeless and millions were facing eviction,

especially in situations of armed conflict. While the victims of the mostly violent evictions were left to their fate, the perpetrators of those human rights violations often enjoyed impunity.

79. When it came to getting access to credit, especially to purchase housing, there was every likelihood that poor women would be discriminated against, both because, as women, they needed a male guarantor and because their income was too low. And yet the right to housing was enshrined in many international human rights instruments. Everyone knew that a person with nowhere to live could not fully exercise his or her rights.

80. That was why her organization urged the Commission to adopt the draft resolution on economic, social and cultural rights sponsored by Germany and to appoint a special rapporteur on the right to housing at its current session. The Commission should also adopt the draft resolution on women and the right to land, property and housing, sponsored by Mexico. Lastly, it should consider adopting resolutions on the right to housing and the restitution of property to internally displaced persons and refugees and a resolution on forcible evictions to supplement Commission resolution 1993/77.

81. Mr. OZDEN (Centre Europe-Tiers Monde) said that, according to Mr. Cheru and Mr. Figueredo (para. 6 of their joint report, E/CN.4/2000/51), the Heavily Indebted Poor Countries (HIPC) Debt Initiative was "caught in a complex web of IMF and World Bank eligibility conditions" and "eligibility for debt relief under the enhanced HIPC initiative [was] conditioned upon 'good performance' in the implementation of an IMF and World Bank Enhanced Structural Adjustment Facility ... for a period of three years". In reality, few countries would manage to meet those conditions. So far, only Bolivia, Uganda and Mauritania had benefited from debt relief. Despite that, Mauritania would still have to spend, after relief, more on debt repayments than on education, even though 62 per cent of its population was illiterate.

82. The authors of the report said that credit for assistance to the poor countries, which was already at its lowest level for several decades, could be reduced even further if it was reallocated to financing debt relief. They concluded that there was not much point in granting debt relief if that meant reducing other development resources. In that connection, it should be recalled that, in 1998, the developing countries had repaid $250 billion, while official development assistance had barely reached $30 billion.

83. The authors of the report described the disastrous consequences of implementing structural adjustment programmes and proposed that foreign debt should be cancelled in order to step up the fight against poverty and to pave the way for sustainable human development. However, it seemed that the strategy proposed by the authors would need the support of donors. In that case, the creditor-debtor relationship was simply changed into a donor-beneficiary relationship. Only the form changed, not the substance. An appeal was made to the "far-sightedness" and "generosity" of creditors who became donors, but, at the end of the day, they still made the decisions. The legitimacy of debt was not even called into question. In fact, what was involved was only debt forgiveness - with conditions attached, at that - and not debt cancellation.

84. Mr. RAJKUMAR (Pax Romana) said that the United Nations High Commissioner for Human Rights had told the Economic and Social Council that, at the dawn of the new century,

violations of economic, social and cultural rights must be seen as an affront to human dignity. With regard to globalization, Pope John Paul II had said that, while it had profoundly transformed economic systems by creating unexpected possibilities for growth, it had also left many people by the wayside. At the seminar on the global economy organized by Pax Romana in Washington, D.C., in October 1999, participants had been struck by the keen willingness of the heads of the international financial institutions, particularly the IMF and the Inter-American Development Bank, to enter into genuine dialogue with civil society. In practice, unfortunately, the financial mechanisms set up by those institutions often functioned automatically, thus accentuating the situation of wealth for some and poverty for the rest. The reality was that international economic laws did not take human rights into account. That was why the study by Mr. J. Oloko-Onyango and Ms. Deepika Udgama, entitled "Human rights as the primary objective of international trade, investment and finance policy and practice" (E/CN.4/Sub.2/1999/11), was to be welcomed. In the same vein, Mr. Cheru and Mr. Figueredo stated in their study (E/CN.4/2000/51, para. 97) that the Office of the High Commissioner must be proactive at the technical level and ensure that economic, social and cultural rights were strongly integrated in the activities of the multilateral financial institutions and the regional development banks.

85. Income disparities both between nations and between individuals in the same nation continued to grow wider and the development model advocated by the international financial institutions was not socially viable, as only a minority reaped the benefits of it. He therefore urged the Commission to cooperate with the relevant intergovernmental organizations, States Members of the United Nations, NGOs, civil society and the international financial institutions to redesign the global financial system in accordance with the values of participatory democracy, ethical integrity, transparency and accountability.

86. Mr. ROSSARY (International Movement of Apostolate in the Independent Social Milieux) said that his organization was trying to make people from wealthy or well-off milieux realize that they should be showing solidarity with those from less privileged milieux, not only for moral reasons, but also in their own general interest. In its written statement (E/CN.4/2000/NGO/32), his organization emphasized States' duty to honour their commitments regarding the right to development and the eradication of poverty. In that connection, the lack of consistency shown by States which signed ILO or UNESCO conventions and which were members of WTO was striking.

87. WTO was necessary, but should not be an end in itself. The Commission on Human Rights and the Office of the High Commissioner for Human Rights, which were the guardians of human rights, should propose suitable ways to ensure that WTO respected those rights, especially with regard to the eradication of extreme poverty.

88. Ms. BOWDEN (Liberation) welcomed the publication of document E/CN.4/2000/51, which reviewed the problems facing the world, including the HIV/AIDS pandemic and the debt burden on the poorest countries. She also welcomed the statement by the High Commissioner for Human Rights on the equal importance of economic, social and cultural rights and civil and political rights.

89. The rich countries had been too hesitant and too slow in recognizing how serious the foreign debt burden and the HIV/AIDS pandemic were in Africa. The same criticisms could be levelled at some African leaders, who were often the very ones who had saddled their country with massive debts in order to buy weapons from rich countries to repress their own people. She requested the Commission to adopt a resolution calling for the immediate cancellation of contracts for the sale of weapons and an immediate ban on any military aid to non-democratic Governments.

90. In the past, Indonesia's economic development had relied on foreign investment and the exploitation of natural resources; it had been accompanied by human rights violations and the destruction of the means of subsistence of indigenous and local people. She urged the Commission to remind the Indonesian Government of its promise to ratify the International Covenant on Economic, Social and Cultural Rights. Such a move would contribute to more balanced economic development which would benefit the people of Indonesia at large, not only national and international investors.

91. The measures taken by the Government of Pakistan posed a serious threat to the Sindhi culture, language and religion. She called on the Commission on Human Rights to insist that the Government of Pakistan recognize the right of the Sindhi people to use their own language.

Statements in exercise of the right of reply

92. Mr. GRIBBEN (United States of America), replying to the allegations made by the Minister of Health of Iraq, said that the suffering of the Iraqi people had only one cause: the absolute refusal by the Iraqi regime to implement the resolutions adopted by the United Nations Security Council following the invasion of Kuwait. Under the terms of the oil-for-food programme, Iraq could buy unlimited amounts of food and medicine. Instead, the regime in power preferred to restrict its purchases of vital supplies and stock the goods in government warehouses. Meanwhile, hundreds of millions of dollars were wasted on building new palaces and the brutality that had characterized the Iraqi regime for many years continued unabated.

93. As for the charges about the use of depleted uranium, that was just another attempt to divert the Commission's attention away from the Iraqi regime's deplorable human rights record. The fact was that the International Agency for Research on Cancer had already investigated those allegations and had been unable to come to any conclusion.

94. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) categorically rejected the claims that the sanctions regime imposed by the United Nations was responsible for the plight of the Iraqi people. With the resources available under the oil-for-food programme, there was no reason why the Iraqi people should be short of food or medicine. Responsibility for the situation had to be attributed to the Iraqi regime, which put its own selfish interests before those of the people of the country. Security Council resolution 1284 (1999) was specifically aimed at removing the restrictions on oil exports from Iraq. Potentially, therefore, Iraq had $8 million available to meet the humanitarian needs of the population. Moreover, sanctions would be suspended as soon as the Iraqi authorities showed they were prepared to cooperate with the United Nations inspectors responsible for investigating Iraqi weapons. It was therefore up to Iraq to act.

95. With regard to the claims by the Iraqi Minister of Health that the depleted uranium used in the bombing during the Gulf War had led to an increased incidence of cancers in certain regions, there was not a single fact to justify those statements.

96. Lastly, flights by British planes over the air exclusion zone were fully justified, since, if those patrols stopped, there was no doubt that Shiites and Kurds would again be bombed by Iraq.

97. Mr. AL DOURI (Observer for Iraq) said that over 1,300 contracts had been suspended as a result of the use of the veto by the United States and the United Kingdom, so that US$ 8 billion was currently frozen. That information was contained in documents prepared by the Secretary-General of the United Nations. Since 1996, every Iraqi citizen had received a one-off payment of $250. In those circumstances, how could one talk of the defence of the Iraqi people? Furthermore, Security Council resolution 1284 (1999) was extremely confusing and did nothing to help the Iraqis overcome their difficulties.

98. The United Kingdom and the United States claimed to be defending the Iraqi people while every day their bombers in the air exclusion zone they had created were killing civilians and inflicting serious damage on the country's economic infrastructure.

The meeting rose at 6.05 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.00-12307 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NEPAL

1. Mr. BASTOLA (Nepal) said that the significance of the right to development must be recognized in the course of promoting and protecting human rights. The international community should redouble its efforts to ensure that human beings had the opportunity to enjoy their rights without fear and that their fundamental freedoms were respected. The existence of extreme poverty meant that the human rights enshrined in the various relevant instruments could not be fully enjoyed in most parts of the developing world. Investment in the social sector and the development of human resources was essential to the reduction of poverty. Debt relief and generous economic assistance were also essential if the least developed countries (LDCs) were ever to enjoy all human rights. He expressed his satisfaction that poverty and the enjoyment of human rights had been chosen as the theme for the special dialogue during the current session of the Commission.

2. His Government was fully committed to the promotion and protection of human rights and the Constitution guaranteed the basic human rights and fundamental freedoms. An independent National Human Rights Commission was in the process of being established, legislative measures provided for compensation for torture victims, and steps were being taken to abolish the death penalty and eliminate inequality between men and women in matters of inheritance.

3. Trafficking in children and young women and child labour were serious problems in the region, and various measures had been adopted to deal with those issues, which were, however, exacerbated by extreme poverty and a lack of awareness. In that context, he had pleasure in informing the Commission that his Government was to host the Asia-Pacific Conference on the Use of Children as Soldiers in May 2000.

4. His Government had begun to formulate a national plan of action on human rights, and he wished to express its gratitude to the Office of the High Commissioner for Human Rights (OHCHR) for the technical cooperation and advisory services extended to Nepal in the field of capacity-building and, in particular, with regard to the administration of justice, legislative reform and human rights skill development in civil society. He hoped that the international community would continue to cooperate with the developing countries through the provision of assistance in capacity-building.

5. Democracy in Nepal had been severely challenged in recent years by a war waged by Maoist elements, and the Government had taken several initiatives to bring such elements into the political mainstream. A further impediment to the process of development and the alleviation of poverty was the burden of providing asylum for a large number of refugees. The continuing presence of those refugees had caused severe economic, social and environmental problems. He hoped that the international community would recognize the severity of the problems and help to find a lasting solution.

6. Respect for human rights was a vital component in the development of society at large. He was confident that the Commission's deliberations would have a meaningful impact on future

courses of action designed to ensure the dignity and rights of people everywhere. Nepal was grateful to the international community for its support and cooperation which would, he hoped, increase in the future.

STATEMENT BY A MEMBER OF THE NATIONAL SECURITY COUNCIL OF PAKISTAN

7. Ms. INAYATULLAH (Pakistan) said that she was proud to represent a Government that sought to realize the right of the people of Pakistan to peace, clean and efficient governance, economic growth and employment and dignity as human beings within a democratic dispensation.

8. On 12 October 1999, the people of Pakistan had rejected a sham democracy. There had been barely a voice in defence of the dictatorial rulers; indeed, there was cumulative resentment at the systematic undermining of all the institutions of democracy. The economy had collapsed and corruption had been rampant. The last straw had been the attempt to create disaffection within the Army. An illegal order to dismiss the Army Chief had been compounded by a criminal attempt to prevent the aircraft he was in from landing in Pakistan, thus putting at risk the lives of 200 passengers.

9. The replacement of the previous Government had been greeted with relief and support by the people of Pakistan. While the Constitution was held in abeyance and the legislature suspended, fundamental rights had not been suspended. The judiciary, the Office of the President and Executive Government were, under the Provisional Constitution Order, functioning within the prescribed framework of the Constitution.

10. The Chief Executive's vision for Pakistan was to foster democratic involvement at the grass-roots level. Extensive preparatory work, including the preparation of electoral rolls, delimitation of constituencies and issuance of identity cards was in hand and, as promised, local government elections would be held from December 2000, in accordance with the timetable that had been announced. The Chief Executive wished to ensure law and order; to revive the economy through a package containing a poverty-reduction strategy and focusing on human indicators and social renewal; and to be transparent in the country's dealings with the multilateral financial institutions. He also aimed at ensuring good governance, especially speedy and accessible justice; decentralization to the district level; accountability to the people; and the mainstreaming of women and minorities.

11. The Government was committed to human rights: the principles of the Charter of the United Nations and the Universal Declaration of Human Rights mirrored the values of a just Islamic society. Decisions and actions had therefore been taken in a number of areas. In the first place, 2000 had been declared the Year of Human Rights and Human Dignity. A mass awareness and education campaign would be launched shortly. Information regarding the various human rights instruments ratified by Pakistan would be translated into local languages and widely disseminated. Secondly, at least two civil awards would be given each year in the field of human rights, especially for the promotion of communal and sectarian harmony. Thirdly, bar fetters, a relic of the colonial past, had been banned. Fourthly, in order to prevent

abuse of the blasphemy laws, any suit would be registered only after a preliminary investigation by the Deputy Commissioner. Fifthly, reforms of the police and prison systems had been initiated. Sixthly, a campaign had been launched to recover all illegal weapons.

12. Other measures adopted had been the establishment of the Commission on the Status of Women, which would be supported by judicial ombudsmen at the provincial level; the promulgation of the Juvenile Justice Ordinance (pending under the previous Government), whereby a child offender was defined as being under 18 years of age, and severe punishments could not be imposed upon him or her; the directive reaffirming that "honour killing" was murder and that the law-enforcement agencies had to apprehend any offender accused of such a killing; amendments to the 1951 Citizenship Act giving women of Pakistani descent the same rights as men to nationality for their children; moves to end the exploitation of children in all its forms, through the formulation of a national policy and plan of action for the progressive elimination of child labour; and moves to eradicate any vestiges of bonded labour by a strict application of the law, coupled with a protection and rehabilitation programme.

13. The Government was also examining the possibility of ratifying the International Covenant on Economic, Social and Cultural Rights and the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999, if possible before the end of 2000. Moreover, an independent National Human Rights Institution was being set up and a national convention on human rights and human dignity was shortly to be held.

14. Her Government took the view that peace and progress would elude the region so long as Kashmir continued to arouse tensions and threaten another - possibly devastating - war between India and Pakistan. A just and peaceful solution to the 53-year-old dispute was imperative. There had been little violence in Kashmir until Indian forces had fired on a peaceful demonstration in Srinagar in January 1989. Ten years later, the death toll was 70,000. The violence must end. If the Indian Army stopped its killing and human rights violations, Pakistan could use its good offices to persuade the freedom fighters to reduce tension on the basis of reciprocity.

15. Pakistan and India had agreed at Simla to respect the Line of Control without prejudice to the recognized position of either side. After that agreement, however, India had occupied three areas: Siachen, Qamar and Turbat La. Moreover, whereas the United Nations Military Observer Group in India and Pakistan (UNMOGIP) was deployed on the Pakistan side of the line, India did not allow such deployment on its side. UNMOGIP had reported 3,388 ceasefire violations by India over the period 1996-1999. Her Government had consistently suggested strengthening UNMOGIP and having it stationed on both sides of the Line.

16. Her Government had repeatedly called for the revival of talks on Kashmir and other outstanding issues. It had also called for friendly mediation, but India had rejected the idea and had also rejected the Chief Executive's formal offer of dialogue at any time, without any preconditions.

17. Kashmir was a humanitarian emergency and the international community must act decisively. India should be counselled to end its violence and repression in Kashmir, to halt its aggression against Pakistan and to open a dialogue on a solution to the Jammu and Kashmir

dispute, in accordance with the wishes of the people. Peace could be achieved once India recognized that the right to self-determination could never be extinguished, either by force or by the passage of time.

STATEMENT BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

18. The SECRETARY-GENERAL said that he had always considered the Commission to be among the most important organs of the United Nations, and that remained truer than ever. As he had told the Commission the previous year, the world was living in the age of human rights, where awareness of the rights of every individual had done more to bring down barriers and boundaries than any force of arms, commerce or trade. By acknowledging its common human rights, the world community acknowledged its common humanity.

19. He wished to build on the promise of the age by affirming the place of human rights in the international rule of law and underscoring how everybody - international organizations, Member States and non-governmental organizations (NGOs) - could do more and do better to bridge the gap between rights and realities. The universal demand for a world of law, of dignity and rights, of equality and non-discrimination, of peace and justice, could no longer be ignored. The question was how best to bring it about.

20. The peoples of the world who were in distress, in need, under oppression or subjected to violations of their human rights, needed genuine, effective and lasting action in defence of their rights and liberties. It was up to their Governments, the United Nations and all who cared about human dignity to answer that call without delay. The international community had the power to bring human rights one step closer to the ideal set forth by the founders of the United Nations.

21. The great human rights instruments that formed the basis of the Commission's work provided a guide for the efforts required and a standard by which the record of any and every State in meeting its commitments to its citizens and to the world could be measured. He stressed that no State, whether developed or developing, could claim that its work was done. Every State could help the common effort to implement human rights provisions more effectively and comprehensively. For that reason, he believed that each annual meeting of the Commission carried the process one step further, revealing the progress made and the work that remained to be done.

22. The international community could renew its efforts by ensuring above all that human rights were established as an essential component of the rule of law in international affairs. Once and for all, it must be made clear that the rights in question were not the rights of States or factions, but the rights of individual human beings to live in dignity and freedom.

23. There was much to build on in that pursuit. He recalled that one of the Purposes of the United Nations, accepted by every Member State under Article 1 of the Charter, was to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". The language could hardly be clearer or more emphatic and its implications for Member States were spelt out in detail in the Universal Declaration of Human Rights and in the Conventions and Covenants to which almost all Member States had subscribed.

24. Without doubt, such undertakings imposed a heavy responsibility on every Government. But that responsibility should also be seen as a privilege. By implementing it, a Government could unleash the full potential of its people in every sphere of life, from the economic, social and cultural to the civil and political. That was the promise of human rights: to endow every man and every woman with the ability to make the most of his or her potential and create for themselves and their communities a better world.

25. International human rights law made it clear that every Government must be able to show that it had in place a system for protecting human rights. There had been progress in the work of Governments to ensure that their constitutions and laws were in conformity with those norms and that their courts applied international human rights standards. Still more could be done, however. No Government could rest, and no people should remain satisfied, until that aim was achieved.

26. The obligation of Governments was made weightier still by the fact that the defence of human rights was universal in nature. Violations of human rights were no longer considered an internal matter. International human rights law was emphatic that, when human rights were being violated, the international community had the right and the duty to respond and to come to the assistance of the victims.

27. The Commission had led the way in the historic struggle against gross violations of human rights. He called upon it to be steadfast in continuing to stand up against violations of human rights, wherever they might occur in the world. He recalled that that had been the theme of his address to the Commission in 1999. Nothing that had happened since gave him any reason to doubt the importance of pursuing such a noble cause still further.

28. Indeed, events over the past year had only confirmed his belief that there could be no turning back from the principle that human rights were sacred, regardless of frontiers. Increasingly, it was recognized that national constitutional or legal provisions could not override a State's international legal obligations, least of all in the area of human rights, where the fate of entire groups of the population might be at stake. On the contrary, by ratifying an international agreement, a State accepted the obligation to bring its national laws into line with the international standard.

29. He urged the Commission, at its current session, to give new momentum to the common struggle to place development at the service of human rights and human rights at the service of development. More than ever before, it was being recognized that one could not thrive without the other. Just as development was a human right, so human rights were at the core of meaningful development.

30. Where dissent was forbidden, where expression was curtailed, where the flow of ideas and the exchange of views were limited by force, human well-being and prosperity were threatened and conflict made more likely. The fact was that economic success and development depended in large measure on the quality of governance enjoyed by a country and its people.

31. The rule of law; transparency and accountability in the management of public affairs; respect for human rights; and the full participation of all citizens in the decisions of Government:

those were all essential conditions of the kind of growth and prosperity that made development possible. Those were the lessons of the past half-century and they imposed on all an obligation to protect each human right by protecting them all.

32. He recalled the words of the President of the General Assembly when the Covenants had been adopted in 1966. Abdul Rahman Pazhwak of Afghanistan had said on that occasion that, if the United Nations could be said to have any ideology, it must be, surpassing all others, the ideology of human rights. In that spirit he appealed once again to States that had not yet done so to ratify the two Covenants and the principal international human rights instruments, so that the universal realization of human rights could be given practical expression.

33. Universal ratification was, however, only one step on the road. The aim must be universal implementation. In other words, concrete progress in the lives of those who needed help the most - those who still suffered from the denial of their most basic rights - must be achieved. He expressed the wish that their hopes and aspirations would be an inspiration to the Commission in the work that lay ahead.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/2000/6 and Add.1-2, 46 and Add.1, 47-49, 51, 52/Add.1 and 53; E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140; CHR/RES/1998/25 and 26, E/CN.4/Sub.2/1999/12; E/CN.4/1999/48 and 49; E/CN.4/Sub.2/1999/10; E/1999/55; A/54/222 and Add.1 and 316)

34. Mrs. OUHACHI-VESELY (Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights), introduced her report (E/CN.4/2000/50 and Add.1), which she said had been issued in an unedited advance version containing a very large number of typographical errors. She referred to the priority she had given to Africa and other regions like Latin America where developing countries were most likely to be the target of the illicit traffic in toxic products. She had found it useful to visit Germany and the Netherlands to learn how seriously those countries took environmental issues in general and the illicit dumping of toxic products and wastes in particular. The German procedure for repatriating wastes fraudulently exported to other countries, backed by a DM 16 million fund to which all waste management companies contributed, deserved to be adopted by other industrialized countries. Under the scheme, companies which did not break the law were reimbursed after three years. The result had been that the number of cases of illegal exports had fallen from 12 in 1996 to 2 in 1999.

35. The NGOs she had met had spoken of their concerns regarding the export of vessels for extremely dangerous recycling operations that resulted in serious threats to the lives and health of people and to the environment. Such vessels, which came from OECD countries or carried flags of convenience, were sent for demolition mainly to Asian countries.

36. Another concern of NGOs was the increasing trade in pesticides, which were used intensively and under extremely poor conditions, as well as the existence of outdated stocks in many developing countries. In spite of the adoption of the Rotterdam Convention, establishing the prior informed consent (PIC) procedure, the question of pesticides and agro-toxic products

was likely to become particularly acute. Many NGOs remained sceptical regarding measures taken by the developed countries to combat the illicit traffic in toxic products and wastes.

37. Her report also contained a reference to the fifth Conference of Parties to the Basel Convention, held in December 1999, which had adopted the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal. A fund had been established for damage not covered by the Protocol. While the Protocol and fund were both welcome, she said that it was still important to find ways of resolving cases of illicit transfers that had taken place prior to their respective adoption and establishment.

38. She said that her report contained information regarding cases and incidents in Paraguay, Costa Rica, South Africa, Haiti, Cambodia and Panama.

39. In conclusion, she reiterated her appeals and recommendations regarding the need for technical assistance to developing countries which did not have adequate means to find out about the nature of products which entered often in sophisticated and clandestine ways.

40. Mr. ZAFERA (Madagascar) said it was unacceptable that one fifth of mankind, mostly consisting of women, lived in extreme poverty, that 150 million children under the age of five were seriously undernourished, and that 855 million adults in the world were illiterate. Urgent measures should be taken at both the national and international levels. Ensuring the enjoyment of civil, political, economic, social and cultural rights was primarily the responsibility of States, and his Government had put the struggle against poverty at the top of its list of national priorities.

41. The countries of sub-Saharan Africa found themselves at the beginning of the new millennium in a more precarious situation than in the previous century, chiefly because of the effect of indebtedness on economic and social development. The situation was made worse by the lack of private capital, the inadequacy of foreign direct investment (FDI), reduction of official development assistance (ODA), the devastating consequences of natural disasters such as the three cyclones which had struck Madagascar in the past two months, and the effects of HIV/AIDS and other epidemic or endemic diseases.

42. The elimination of extreme poverty was essential to the full enjoyment of civil, political, economic, social and cultural rights. Globalization required vigorous efforts to be made by the international community to enable the developing countries, and particularly the LDCs, to derive benefits from the multilateral trading system. The international community had not only the duty but also the ability and the means to find a just and lasting solution to the problem of external debt. Without such a solution, accompanied by adequate investment and financing programmes, it would seem illusory that the gap between the rich and poor countries would be reduced and the number of people living in extreme poverty halved by 2015. His Government subscribed to the recommendations contained in the independent expert's report (E/CN.4/2000/52), especially the establishment of a world alliance for the elimination of extreme poverty.

43. Mr. DIAZ DIAZ (Mexico) said that extreme poverty currently affected more than one fifth of the world's population and was the main obstacle to the enjoyment of all human rights.

The fight against extreme poverty should thus be a priority of the international community and one of the basic premises of national action. His Government had adopted an integrated approach to dealing with the causes of extreme poverty based upon education, health, food and the gender perspective. Some 93.3 per cent of Mexican children between the ages of 6 and 14 were in school, and 9 out of 10 of them went on to secondary school. Mexico's health services reached 94 million people and, as a result of vaccination, poliomyelitis, diphtheria and measles had been eradicated. Drinking water, sewerage and electricity were available to 89 per cent, 75 per cent and 96 per cent of the Mexican population respectively. In pursuing social development with a gender perspective, Mexico's aim was the achievement of economic growth with a human face.

44. His Government was working to guarantee women's rights as owners and users of land, receivers of credit and occupiers of adequate housing, regardless of their civil status, in the belief that the enjoyment of those rights would have a multiplier effect on their families. His delegation would be submitting a draft resolution to the Commission on women and their rights to land, property and housing.

45. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that the intimate relationship between civil and political rights on the one hand and economic, social and cultural rights on the other could clearly be seen in the case of his own country whose recent economic and social crisis had been the result of internal errors, the devastation caused by the El Niño phenomenon, the worsening prices of raw materials in international markets, protectionism in the markets of the developed countries and the lack of flexibility of the Bretton Woods institutions.

46. Globalization had increased the differences between rich and poor countries, leading in some cases to devastating effects on economies. The Asian crisis had shown that the uncontrolled development of capital markets was not necessarily a recipe for economic growth, still less for development.

47. Ecuador's crisis had ended years of progress in improving its people's living standards. The reduction in economic growth had had very serious human consequences and the crisis had not been merely economic: it had to be measured in human, social and political terms as well, since it endangered the stability of society and encouraged the deterioration of democratic institutions and civil peace.

48. As had been stated in the joint report by the Special Rapporteur and the independent expert (E/CN.4/2000/51), the destructive games engaged in by the international financial institutions and creditor Governments meant that many third-world economies had experienced a dramatic decline in human development indices.

49. His delegation believed that conceptual differences should be put aside, and urged the Commission to give to economic, social and cultural rights the same attention it paid to political and civil rights. Countries must understand that violations of economic, social and cultural rights increased poverty and violence, and that, violations of economic rights were also violations of political and civil rights. It was time to abandon procedures which were merely aimed at preserving the profits of the richest countries: countries must fully respect trade liberalization and bring down the barriers to international markets.

50. The international financial system had proved to be incapable of protecting the global economy from financial crisis, and it was time to reform its structure in order to avoid any repetition of such crises. The question of foreign debt must also be addressed. His own country was highly indebted, and would therefore continue to seek a solution to that problem. It was unacceptable that 54 per cent of its budget should be devoted to debt servicing. He wished to express his appreciation for the exertions on behalf of his country of the Special Rapporteur on foreign debt. The Special Rapporteur's understanding of the complexity of the situation in Ecuador and of the serious social and political consequences of foreign debt had made possible the inter-agency mission to Ecuador, the first United Nations mission of its type.

51. In their joint report, the Special Rapporteur and the independent expert had called attention to the need to strengthen the responsiveness of OHCHR in the area of economic, social and cultural rights (economic mandates) by strengthening its internal research and analytical capacity and its technical assistance support to countries in macroeconomic policy and trade and investment-related topics that had a direct bearing on the promotion and protection of human rights. His delegation believed that the Commission had the obligation to provide OHCHR with the resources needed to carry out those economic mandates.

52. Mr. OYARCE (Chile) said that economic, social and cultural rights were essential to human development and the enjoyment of civil and political rights. The fact that all human rights were indivisible and mutually reinforcing must help to clarify the justiciability of economic, social and cultural rights. An integrated international system was necessary to promote the concept of indivisibility and universality. The international community had reached a consensus on the relationship between human rights, development, finance, the eradication of poverty and the environment which amounted to the all-embracing view of the human being and the world commonly known as globalization. That consensus was reflected in the programmes of action adopted by a series of world conferences.

53. The Commission had a responsibility to become part of that integrated system through all its mechanisms. In that connection it was important that the Commission should involve itself in the debate on development funding, which was directly linked to foreign debt, extreme poverty and structural adjustment. The special session of the General Assembly on social development would provide an opportunity for consideration of that topic and the realization of economic, social and cultural rights, five years after the Copenhagen Conference.

54. The Commission must be involved in the analysis being conducted throughout the United Nations with regard to the realization of all economic, social and cultural rights and the right to development, and more attention must be given to integrated development. His delegation welcomed the statement by the representative of the World Bank in which he had suggested that new thinking, a new approach and new solutions were needed in order to increase the contribution made by the Bank's work to countries throughout the world.

55. It was necessary for the Commission to send out a clear message with regard to the difference between a simple debate on development and the sort of analysis which focused purely on human rights. With regard to the matter of debt, for example, consideration must be given to other than purely financial matters if any real contribution was to be made to the rethinking that was already at an advanced stage in the Economic and Social Council and the

Bretton Woods institutions. The Commission must ensure that the human dimension was taken into account, and that the human rights component was placed firmly at the heart of development.

56. His delegation therefore greatly appreciated the endeavours of the special rapporteurs and independent experts on the right to development, foreign debt and the right to education, and suggested that the Commission should bring a global vision to the Council and the inter-institutional dialogue on human development. He also wished to acknowledge the valuable contribution made by NGOs. The number of them addressing the Commission reflected the importance of economic, social and cultural rights.

57. The growing number of resolutions on agenda item 10 was in sharp contrast to the need for an integrated approach. Some sort of holistic approach to matters that were clearly related must be found and a strategy developed, if the Commission was to be able to present to the international community an approach to human development that could be incorporated into an integrated dialogue. Governments faced an enormous challenge, having to carry out their national responsibilities, manage the economy, achieve development and attract international cooperation.

58. His own Government was working to bring development to all and to extend the provision of social services. Its internal preoccupations were reflected in its foreign policy, and he stressed its readiness to cooperate with those of other States in a dialogue that would give development a human face.

59. Ms. MOLLESTAD SYLOW (Norway) said that the current quest for new development strategies and approaches was largely explained by the fact that the fight against poverty had not produced the expected results. The increased attention being paid by development agencies, including the international financial institutions, to the rights-based approach was therefore most encouraging.

60. The Norwegian Development Agency (NORAD) was preparing a handbook on the human rights assessment of development projects which would be a practical manual for the identification of the relevant human rights factors in development partners' project proposals. In her delegation's view, not only did the fulfilment of human rights contribute to development and the eradication of poverty, but the full realization of all human rights was what development was essentially about.

61. One effect of the rights-based approach to development cooperation was the focus placed on the individual. She therefore wished to draw attention to the useful clarification of the nature and level of State obligations with regard to economic and social rights contained in the study prepared by the Sub-Commission's former Special Rapporteur on the right to food (E/CN.4/Sub.2/1999/12). She welcomed the work being done by the Committee on Economic, Social and Cultural Rights and the recommendations made in its general comments.

62. She also expressed her appreciation of the work of the Special Rapporteur on the right to education and her support for the emphasis which that Special Rapporteur had placed on girls' right to education. Better tools were needed to set goals and assess progress in relation to the full

implementation of economic, social and cultural rights. The work being done to elaborate indicators and benchmarks for the realization of the right to education was promising and must be pursued, with regard both to the right to education and to other economic, social and cultural rights.

63. With regard to tools for improved implementation, she noted that there was a positive attitude to the draft optional protocol to the Covenant on Economic, Social and Cultural Rights concerning an individual complaints procedure. While recognizing that such procedures strengthened the position of the individual and provided useful guidance to States with regard to the implementation of their human rights obligations, her delegation believed that further consultations and studies on the issue were necessary.

64. Regardless of their economic situation, States had a responsibility to create an environment in which individuals' capacities for meeting their own needs were increased, and to ensure enjoyment of economic, social and cultural rights. The realization of those rights required interaction between Governments and civil society. Under the provisions of the Covenant, each State must take steps, using international assistance and cooperation, gradually to achieve full realization of the rights covered by the Covenant. Her delegation therefore considered that the issues of debt, terms of trade, international cooperation and aid were relevant to the fulfilment of economic, social and cultural rights as well as civil and political rights, and that national and international solidarity were essential.

65. Mr. MULONDA (Zambia) said that large numbers of developing countries were still far from implementing the provisions of the International Covenant on Economic, Social and Cultural Rights. That was to a large extent due to the fact that the creditor nations paid lip-service to those rights while continuing to demand that the limited resources available to highly indebted nations be used to service debt rather than invested in the social sector. He therefore urged creditor nations and multilateral lending institutions to give serious consideration to the cancellation of the debts of such nations. He urged the creditor countries and institutions to study the joint report prepared by the Special Rapporteur and the independent expert on the effects of foreign debt (E/CN.4/2000/51), in order to appreciate the magnitude of the problem and review their strategies. The international community must become proactive if the poorest nations of the world were to make meaningful strides towards the realization of economic, social and cultural rights.

66. In view of his delegation's belief that education was essential for the enjoyment of human rights and fundamental freedoms, he expressed his appreciation of the work of the Special Rapporteur on the right to education and supported the call for her mandate to be extended.

67. Ms. RUSTAM (Indonesia) said that the immediate alleviation and eventual elimination of poverty must remain a high priority of the international community. It was one of her own Government's highest priorities, and significant achievements had been realized. Those achievements had, however, been jeopardized by the recent monetary and economic crises. Nevertheless, positive growth was expected and would enhance her country's capacity to improve economic, social and cultural rights, including the right to food, shelter, education and health.

68. Poverty was one of the foremost causes of human rights violations in the world. When the General Assembly had launched the First United Nations Decade for the Eradication of Poverty in 1997, it had stated that eradicating poverty was an ethical, social, political and economic imperative of humankind. It was anticipated that the development agencies of the United Nations would play a key role in translating those normative decisions into practical programmes in support of national poverty eradication programmes. While OECD had set a global target of halving the number of people living in poverty by 2,015, it was estimated that the number of such people would have reached nearly 2 billion by the target date unless concerted efforts to reduce poverty were made, immediately and in the future, at the national and international levels. Renewed attention therefore needed to be paid to the role played in poverty eradication by the United Nations system's operational activities for development. Developed countries must also redouble efforts to meet their commitment to achieving the target.

69. While her delegation was looking forward to the forthcoming special session of the General Assembly on social development, it had learnt with concern that the report of the Commission on Social Development on the review and assessment of the Copenhagen Declaration had concluded that little or no progress had been made in the achievement of the goals set out five years previously. She hoped that the international community would renew its commitment and develop practical approaches to achieve the goals of that Declaration.

70. She wished to commend the High Commissioner for Human Rights on her public advocacy of the realization of economic, social and cultural rights, and hoped that OHCHR would, in the years to come, devote greater efforts to the translation of those rights into action. Her delegation welcomed the efforts represented by the Asian regional workshops on the rights to development and on economic, social and cultural rights which had been held in 1999 and 2000.

71. Strengthened international cooperation based on mutual interests was essential to support the efforts of developing countries to solve their social and economic problems and fulfil their obligations to promote and protect human rights. Such efforts would ensure a fairer share of the gains of globalization and liberalization and lead to greater prosperity.

72. Mr. ISSA HASSAN (Sudan) said that the Sudan was a party to the International Covenant on Economic, Social and Cultural Rights. The 1998 Constitution provided that the State would furnish appropriate conditions for the development of financial and human resources, and also safeguard earnings and property.

73. Despite the difficulties it faced from both natural disasters and civil armed conflict, the Sudan had been able to restructure its economy to meet the requirements of the free market. Thanks to the reforms, gross domestic product (GDP) had grown by more than 6.5 per cent and inflation had fallen from over 60 per cent to around 11 per cent. The International Monetary Fund (IMF) had lifted its declaration of non-cooperation because of the Sudan's success in reducing its massive arrears to the Fund.

74. The export of Sudanese oil had started in August 1999. A significant amount of the revenues would be allocated to the rehabilitation of the areas devastated by the armed conflict in the southern region and elsewhere. Hospitals, schools, roads, water networks and other welfare projects were being built in oil-exploration areas.

75. The Constitution provided for free association and equal opportunity for all. The Government had established a permanent Commission on Salaries and Wages of Employees and Workers, relating to both the public and the private sectors. That Commission carried out a systematic assessment of basic wages every six months, taking into account inflation rates and living standards. Social insurance had become mandatory for all employees.

76. The past decade had seen the establishment of various social welfare organizations and there had been a number of projects aimed at alleviating poverty. In that connection, he expressed his delegation's concern that some major Powers were prepared to resort to destructive measures which ran counter to the laws of other countries. The ruins of the pharmaceutical Shifa Plant in Khartoum, which had been bombed in 1998, testified to the way in which an LDC was denied the right to development.

77. Mr. HEMAYETUDDIN (Bangladesh) said that, at the World Conference on Human Rights, a new vision for global action on the enjoyment of all human rights had been forged. Democracy had become the catchword of national and global politics. The next step was for the international community to implement the two broad categories of rights without discrimination. Attention should be first paid to those that had been neglected. The Universal Declaration of Human Rights had not drawn up priorities, but attention had mostly been focused on civil and political liberties. Yet the equally fundamental economic and social rights continued to be denied to much of the world's population. That situation would persist if poverty was not eradicated. The process must begin with investment in human resources and the empowerment of women and children by giving them access to their basic rights of education, nutrition, employment and equal opportunities.

78. Creating such conditions remained a formidable challenge for the developing countries, especially the 48 LDCs. The onus rested primarily on individual Governments, but the support of the international community was also needed. The developed countries must fulfil their commitment to the agreed target of 0.7 per cent of GNP for ODA. Most industrialized countries were still far from meeting that target. The developing countries, meanwhile, must allocate 20 per cent of their national budgets to basic social and development programmes, respectively. Resources should be generated through reduced defence spending. Equitable access to market technology and investment opportunities for developing countries was also required. Globalization had made development issues essential to the very survival of the poorer nations.

79. His country's experience showed that traditional aid programmes failed to reach the very poor. Increased access to micro-credit, however, and related financial services for self-employment and income-generating activities for the poor, particularly women, could bring about improvement. His Government was pursuing poverty alleviation through higher growth, higher investment in social sectors, targeted programmes of income generation and employment creation and the introduction of social safety nets for vulnerable social groups. Investment in the social sectors had risen to 40 per cent.

80. The international community should address the issue of human rights in their totality without politicization. There should be a meaningful, non-confrontational partnership between North and South. The High Commissioner for Human Rights was an effective advocate of economic rights, but further steps should be taken to make OHCHR more proactive in the area of economic, social and cultural rights.

81. Mr. NIKIFOROV (Russian Federation) said that genuine socio-economic development depended on the protection of all human rights and fundamental freedoms. Moreover, the rule of law at the national level was crucial to the realization of economic, social and cultural rights, the primary responsibility for the latter resting with Governments. International assistance was also essential, however, including through the Bretton Woods institutions. The focus should be on specific groups of countries, including those with economies in transition. The United Nations should prioritize economic, social and cultural rights, especially in view of the impact on all aspects of people's lives of global problems such as international terrorism and organized crime, ethnic conflict, illegal trade in arms and narcotic drugs, and the spread of HIV/AIDS and other communicable diseases.

82. His Government held true to the principle that States should not apply coercive measures to other States or undermine their sovereign rights. The civil population was the first to suffer from sanctions and other unilateral coercive measures, which violated human rights and exacerbated humanitarian problems, provoking economic decline, unemployment, inflation, poverty and hunger. His own Government sought to abide fully by the purposes and principles of the Charter of the United Nations and other instruments of international law. At the national level, concerted efforts were under way to reverse the decline in the standard of living, to reduce social disparities and to provide compensation to the most vulnerable population groups in the form of social security. His Government was prepared to cooperate with international efforts to promote economic, social and cultural rights.

83. Mr. SHIN Gil-sou (Republic of Korea) said that his delegation agreed with the High Commissioner's suggestion that the Commission should develop a framework for poverty eradication. Although the dawn of the new millennium had found more of the world's population living in good health and prosperity than ever before, it had merely represented for some yet another grim moment in their struggle for survival. His delegation thus welcomed the growing international recognition that extreme poverty was one of the most persistent obstacles to the enjoyment of social, economic and cultural rights. The importance of balanced progress among human rights had not, however, diminished. The primary responsibility for an enabling environment for the enjoyment of all human rights lay with Governments. Good governance was needed to promote sustainable growth and to enable all people to benefit from development.

84. His delegation attached great importance to the right to education, since lack of access to education was a root cause of poverty. Indeed, the link between education and employment should constitute the pillar of national policies, with a clear commitment to enabling people to become economically self-sufficient. The protection and realization of the right to education would lead to both economic growth and better governance.

85. The impact of the international economic system on human rights deserved further attention. Increased economic interdependence could prove a powerful tool for increasing

economic growth and improving living standards. It could also, however, threaten the economic and social stability of certain countries. His delegation supported efforts to explore the impact of globalization on human rights, with a view to sharing country experience in harnessing the benefits of globalization and in minimizing its negative consequences.

86. Mr. PARAN (Observer for Israel) said that his Government sought to realize the right of every person, rich or poor, to the highest attainable standard of health care. To that end, a national health insurance law had been enacted in 1995. That law established health care as a right, stipulated legal entitlement to a defined range of guaranteed health services, instituted a capitation formula to ensure adequate funds to cover the needs of the poor and the elderly, and introduced a payroll tax for collecting premiums. It also required that health funds accept all applicants, and committed the Government to funding health services at a specific level. Several major goals had been achieved to date: all residents of Israel currently possessed health insurance, service levels had been enhanced, and health-system equity had been improved, with a reduction, inter alia, of health-care delivery gaps between Arabs and Jews. The Government had also introduced an innovatory system for priority-setting in the health system which incorporated both professional and lay input.

87. Mr. MIKHNEVICH (Observer for Belarus) said that globalization had impacted on many aspects of social, economic and cultural life. The world had become increasingly interdependent, even unified to some degree, however disparities between rich and poor countries had actually widened. The survival, not just the progress, of mankind depended on "civilized" models of development which would renew, rather than deplete, the world's natural resources and eliminate disparities.

88. Events in recent decades had testified to the importance of guaranteeing economic, social and cultural rights as well as civil and political rights. Thus far, the international community had failed to respond adequately to the broad violation of economic, social and cultural rights. Experience in protecting civil and political rights should be transposed to that other set of rights.

89. Belarus had accumulated experience in countering such phenomena as unemployment and poverty, and its social policy was geared towards improving living and working conditions and ensuring social stability and harmony. Indeed, the success of the transition process would be judged by the extent to which individuals' lives were improved. The country's future depended on the mental and physical health of its children and young people, hence the priority attached to providing a legal basis for realizing policies on youth.

90. Despite the complexities of the transition period in Belarus, the cultural potential of the country had been relatively unscathed. The Government's strategy for realizing cultural rights involved the establishment of long-term priorities and goals. Efforts were being made to preserve the cultural autonomy and heritage of the people of Belarus, inter alia by reviving national traditions.

91. Mr. PAPPA (Observer for Switzerland) said that the promotion and protection of one category of rights in no way exempted States from their responsibility with regard to other rights. External factors - such as structural adjustment programmes and foreign debt - did affect the manoeuvrability of Governments, but they nevertheless remained primarily responsible for

creating a national and international environment favourable to human rights. National budgetary and other policies, as well as good governance, could contribute significantly to that end.

92. Non-State actors - such as transnational corporations, international organizations and NGOs - also impacted on the realization of economic, social and cultural rights, hence the crucial importance of dialogue between all the parties. To that end, his delegation applauded the "global compact" initiative of shared values and principles launched by the Secretary-General

93. In the context of international law, further conceptual work must be carried out in respect of the significance of economic, social and cultural rights, including the establishment of appropriate indicators for identifying violations of those rights. In that connection, a Swiss expert on international law had been entrusted with the task of studying the right to adequate food.

94. Mr. LAMB (International Federation of Red Cross and Red Crescent Societies) said that his organization was known primarily for taking action; it was through its activities that it manifested its support for human rights. Economic, social and cultural rights featured prominently in the Federation's Plan of Action for 2000-2003. People everywhere wanted the best for their children and families; they wanted to live in peace and harmony, with economic and physical security, personal dignity and a supportive community. At the turn of the millennium, all too many were at risk from situations that threatened their capacity to live with a minimum of socio-economic security and human dignity.

95. The Federation focused on improving the lives of vulnerable people, many of whom were also victims of poverty and most of whom were invisible. As revealed in its World Disaster Report, disasters disproportionately affected the poor. Fragile and deteriorating public health systems underpinned many such disasters. "Vulnerability" was related to poverty, but it was also about people being isolated, insecure and defenceless in the face of risk, shock and stress. It was high time the international community developed creative institutional alliances to contribute substantively to the realization of economic, social and cultural rights for all.

The meeting rose at 1.00 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 April 2000, at 3 p.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. IBRAHIM (Vice-Chairman)	(Sudan)
later:	Mr. JAKUBOWSKI (Vice-Chairman)	(Poland)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.00-12362 (E)

The meeting was called to order at 3 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

(E/CN.4/2000/6 and Add.1 and 2, 46 and Add.1, 47-49, 51, 52/Add.1 and 53; E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140; CHR/RES/1998/25 and 26; E/CN.4/Sub.2/1999/10 and 12; E/CN.4/1999/48 and 49; E/1999/55; A/54/222 and Add.1 and 316)

1. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) gave an account of what had been done in her country to find a solution to the water shortage. Most of its territory being situated in the Sahara, the Libyan Arab Jamahiriya was faced with problems of desertification and drought. The population's survival thus depended on groundwater; over time, that had resulted in a gradual depletion of the water-table. The groundwater had subsequently revealed a high salt concentration caused by the infiltration of sea water. The discovery, following a geological study, of underground springs in the southern part of the country had given rise to a project for a large artificial river.

2. The question had been how best to harness that new resource so as to bring the water to the populated and agricultural areas along the coast with minimum loss avoiding canal leakage and evaporation in the summer. To that end, a gigantic system of underground cement canals with a diameter of four metres had been put into place to channel the water to the reservoirs. The canals had sophisticated equipment which regulated the flow and controlled the distribution of the water.

3. Mr. MORA SECADE (Centro de Estudios Europeos) said that his organization shared the view of the authors of the report on foreign debt and structural adjustment policies (E/CN.4/2000/51) that the enhanced heavily indebted poor countries (HIPC) initiative was merely a sham. Curiously enough, the initiative had appeared just when the Jubilee 2000 movement and other movements had been on the verge of winning the battle in world public opinion for cancelling the external debt of the third-world countries. In actual fact, the aim of the initiative was to perpetuate the servicing of the foreign debt, which plundered the third world. If the industrial countries really wanted to help promote economic, social and cultural rights, they would not systematically reduce official development assistance (ODA) and would adopt a code of conduct for transnational corporations, which imposed their will on the G-7, the international financial institutions and the World Trade Organization (WTO).

4. It was therefore incumbent upon the Office of the High Commissioner for Human Rights (OHCHR) to ensure that economic, social and cultural rights were fully integrated into the activities of those organizations. OHCHR must also work more closely with the non-governmental organizations (NGOs) active in the areas of development cooperation and social, economic and cultural rights, and it also needed staff members qualified in the field of economic, social and cultural rights and the right to development.

5. All States must refrain from imposing unilateral or multilateral measures prejudicial to the basic rights of other peoples, as had been done, for example, by the United States in imposing a blockade on Cuba for more than 40 years. The world had sufficient resources to

resolve problems such as hunger and extreme poverty and ensure respect for all economic, social and cultural rights. What was lacking was the political will, notably the determination to share wealth more equitably between the rich countries and the poor countries and within the societies of each country and not to sacrifice human well-being and human rights on the altar of profits and competitiveness.

6. Mr. MANCISIDOR (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme) said that the initiatives taken since 1996 by the International Monetary Fund (IMF) and the World Bank in favour of the heavily indebted poor countries had not produced the expected results and had had very grave social consequences. The debt phenomenon was revelatory of the dependence of the countries of the South in an unjust international economic environment. More and more voices had been raised to call for cancellation of the debt. At the G-7 meeting held at Cologne in June 1999, a petition with more than 17 million signatures demanding cancellation of the debt had been submitted to the leaders of the industrial countries. In Spain, a similar petition supported by more than 400 NGOs had collected over a million signatures.

7. His organization urged that the debt of the poorest countries be cancelled, that that of the other countries be renegotiated and that the resources not used to reimburse the debt be allocated to social expenditure and contribute to sustainable development and the elimination of poverty. An ad hoc international court should be established to try persons accused of unlawful enrichment in connection with the payment of the foreign debt. Lastly, the Commission should bring to the attention of the IMF and the World Bank the recommendations contained in the report on the effects of foreign debt and structural adjustment policies (E/CN.4/2000/51).

8. Ms. DE JESUS SOARES (Asian Buddhist Conference for Peace) said that the rights of the Jumma people continued to be violated in the Chittagong Hill Tracts of Bangladesh. Established after the 1997 Peace Accord, the Interim Regional Council, made up of civilian administrators, was unable to function for lack of funds. As for the region's Development Board, it was still under military control. Development activities were stagnant, and the economic situation had deteriorated. Some 3,000 refugees who had returned to the Chittagong Hill Tracts had not been given back their land as promised by the Government. The settlers had been favoured in development programmes, and 99 per cent of commerce was under their control. Socio-cultural rights had not been protected either: forced marriages, forced religious conversions, omnipresence of the army at all gatherings and failure to respect customary law. The tribal cultural institutes received insufficient grants.

9. In Indonesia, the Government had still not ratified the International Covenant on Economic, Social and Cultural Rights. However, her organization welcomed the new government approach to human rights issues, in particular the adoption of the Human Rights Act and the appointment of a Minister of State for human rights. But the new focus clearly concerned civil and political rights rather than economic, social and cultural rights, which apparently continued to be regarded as secondary. Indonesia had above all accommodated the interests of domestic and foreign capital, to the detriment of the interests of the people. In the future, it was essential that economic decisions should take into account the interests of local and indigenous communities and of the people at large.

10. Her organization thus urged the Commission to remind Indonesia of its promise to ratify the International Covenant on Economic, Social and Cultural Rights and to incorporate its principles into domestic legislation and economic policy.

11. Ms. INGRAM-YOUNG (Human Rights Advocates, Inc.) said that the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products on the enjoyment of human rights must be enlarged for several reasons. A number of countries were not parties to the Basel Convention and thus were not bound by its provisions; the mandate did not cover human rights violations resulting from environmental degradation caused by such legal products as toxic pesticides and many industries were not covered by the mandate or by other treaties. Moreover, although the Basel Convention explicitly forbade the countries of the Organization for Economic Cooperation and Development (OECD) to export hazardous wastes to other countries, it had very often been violated, mostly by multinational corporations, notably in the ship-breaking industry, since the vessels concerned contained large quantities of toxic materials. The workers who scrapped the ships did not have adequate protective gear, and their lives and health were in grave danger. It was a well-known fact that one in four workers in that sector would develop cancer.

12. The Rotterdam Convention on Prior Informed Consent for certain chemicals required that harmful pesticides, banned or severely restricted in at least two countries, could not be exported unless explicitly agreed to by the importing country. FAO reported that such pesticides were still used in many developing countries, notably in Latin America and Africa, and were the cause of many deaths and illnesses among workers who were exposed to them without appropriate protective clothing.

13. The use and transport of other legal toxic substances which were not covered by the Special Rapporteur's mandate had resulted in serious human rights violations. In Tabasco, Mexico, PEMEX, the national oil company, had destroyed 60 per cent of the region's crops and vegetation, ruining the livelihoods of thousands of farmers, fishermen and cattle ranchers. In the State of Guerrero, anti-logging activists had been illegally arrested and even tortured or killed by the Mexican military. In Colombia, members of the U'wa tribe were protesting against oil exploration on their ancestral territory.

14. In conclusion, her organization urged that the Special Rapporteur's mandate be expanded to include the impact of environmental problems on human rights, as recommended by the Working Group on enhancing the effectiveness of the mechanisms of the Commission.

15. Mr. Ibrahim (Sudan), Vice-Chairman, took the Chair.

16. Mr. LADOR (Earthjustice Legal Defense Fund) drew attention to one of the cases presented by the Special Rapporteur in her report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2000/50 and Add.1): the dumping of 3,000 tons of highly toxic wastes in Sihanoukville (Cambodia) by the Taiwanese company Formosa Plastic Corporation, the world's largest PVC manufacturer. Two people who had been exposed to those wastes had died and hundreds had become ill. Forced by the Cambodian Government to remove the wastes in February 1999, the company had unsuccessfully attempted to ship them to the United States and then to France

and Germany. Two organizations, Greenpeace and the Basel Action Network, had discovered that the Netherlands Government had allowed 32 containers of toxic wastes to be secretly shipped in December 1999 from Taiwan to the Netherlands for incineration. Those wastes contained high levels of mercury, which did not burn, but vaporized, constituting a grave danger to the health of the population and to the environment.

17. In January 2000, high cyanide concentrations from a mining operation in Romania had seriously contaminated several rivers in central Europe, including the Danube. A similar disaster had been caused by the Australian mining company Dome Resources in March in Papua New Guinea.

18. Even when toxic substances were not illicitly transported or dumped, the manner in which they were manufactured, used or disposed of could violate human rights, in particular those of minorities and indigenous persons, who often lived in areas where such substances were stored. Hence the need for the Commission to extend the Special Rapporteur's mandate to include all human rights violations arising out of harm to the environment.

19. Mr. TEHRANI (Organization for Defending Victims of Violence) said that, 50 years after the adoption of the Universal Declaration of Human Rights, which provided that everyone had the right to a standard of living adequate for the health and well-being of himself and his family, there were more than 1.2 billion people living in extreme poverty, the rejects of the new world order.

20. At the World Summit for Social Development, held at Copenhagen in March 1995, the heads of State had pledged themselves to reduce inequalities and eradicate extreme poverty, each State setting a target date as a function of its national context. Much remained to be done to attain that objective. According to the World Bank, the number of persons living in poverty had risen from 1.23 billion in 1987 to 1.31 billion in 1993. Those persons lived primarily in the countries of the third world, but also in developed countries and countries with economies in transition.

21. In the light of that situation, his Organization urged the Commission on Human Rights to decide that the Sub-Commission on the Promotion and Protection of Human Rights should take follow-up action to the workshop on human rights and extreme poverty held in August 1999 and examine the workshop's proposal to convene a second consultation on a possible draft declaration on human rights and extreme poverty.

22. Ms. CERVANTES VÁSQUEZ (Organization for the Solidarity of the Peoples of Asia, Africa and Latin America (OSPAAL)) said that the 114 NGO representatives from 31 third-world countries who had met in Havana, Cuba, from 1 to 3 March 2000 to consider the consequences of globalization had denounced the neo-liberal policy championed by transnational capital and international institutions such as the IMF and the World Bank which had led to a concentration of wealth in the hands of a minority and an increase in the number of persons living in poverty to more than 1 billion.

23. OSPAAL therefore urged that foreign debt, the expression of an unjust international economic order, should be cancelled, that the third-world countries should not be deprived of

new know-how and technologies through the strict application of intellectual property rights, that the ODA decline should be halted and that measures which violated international law and the sovereignty of States, such as the blockade imposed on Cuba by the United States, should be ended.

24. The time had come to establish international instruments and machinery to ensure respect for the economic, social and cultural rights of the peoples of the South, whose resources had been pillaged with impunity by those who were currently violating their right to development. It was abnormal that structural adjustment measures should not be regarded as violations of human rights and that there had never been any question of compensation, to which the victims of those violations, i.e. 78.4 per cent of the world population, were entitled.

25. Mr. AHSAN (World Federation of Democratic Youth) said that it was difficult for a heavily indebted country to ensure the full exercise of human rights and the right to development, the more so if the country in question, Pakistan, devoted a large part of its annual budget to the purchase of military equipment. Those most affected by that policy were the Mohajirs.

26. Although in the majority in the province of Sindh, the Mohajirs were not fairly represented in the legislative bodies. All sorts of anti-democratic ploys were used to prevent the Mohajirs from playing a role in the administration of public affairs commensurate with their numerical strength. The same applied to the Sindhis, who could not fully exercise their economic and social rights. Punjabi military and civilian leaders had appointed Mohajirs to several key posts solely to give the impression of change. His organization urged the Commission to examine the flagrant violations of the political, economic and cultural rights of the Mohajirs, who had played a crucial role in the creation of the State of Pakistan, which was currently oppressing them in all walks of life.

27. Ms. BALOCH (Pakistan), speaking on a point of order, said that the agenda item under consideration concerned economic, social and cultural rights, not civil and political rights.

28. The CHAIRMAN asked the speaker to confine himself to agenda item 10.

29. Mr. AHSAN (World Federation of Democratic Youth) asked the Commission to invite the Government of Pakistan to reverse its policy of discrimination against and repression of the Mohajirs and Sindhis and to allow true democracy and pluralism to take root in all organs of society.

30. Mr. MBOMIO (North-South XXI) said that violations of the basic conventions of the International Labour Organization (ILO), the International Covenant on Economic, Social and Cultural Rights and the Vienna and Copenhagen Declarations had produced few reactions, save from some NGOs and trade unions.

31. It was regrettable that the right of humanitarian intervention did not encompass the right to intervene when there was a massive violation of social rights. For example, the main operators who lorded it over the agribusiness market were engaged in "discreet genocide", in the words of the "international farmers' march" of May/June 1999. The destruction of the

agriculture of the countries of the South and the extinction of the class of small farmers throughout the world were the fruit of implacable free-trade logic. The scene was thus set for rising unemployment, increasing malnutrition and the use of food as a weapon. Mexico, for example, a member of the North American Free Trade Area (NAFTA) which had undergone 14 years of structural adjustment, was currently importing 43 per cent of its foodstuffs, as compared with 20 per cent in 1992 and had 40 million people living in extreme poverty. International financial institutions and the WTO were the spearheads of the markets and indifferent to the social consequences of their policy. The WTO considered barriers to free trade to be worse than breaches of basic social rights. The globalization of the markets and the dominant role played by transnational corporations made it necessary to introduce the right to intervene on social grounds.

32. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that she was concerned at the tendency to disconnect economic, social and cultural rights from civil and political rights, although, according to the International Covenant on Economic, Social and Cultural Rights they were indivisible. Some Governments hijacked economic, social and cultural rights as an alibi for flouting civil and political rights, Burma being a case in point. The activities of the military regime had caused famine and malnutrition in a country which had not suffered from any natural disasters and which had formerly been the rice-bowl of Asia. The Burmese Government favoured military expenditure to the detriment of the population's well-being. The public health services had recorded a spectacular drop over a 10-year period, despite the spread of AIDS, and spending on education as a share of national income was among the lowest in the world. At the cultural level, ethnic minorities such as the Mon were the victims of discrimination in the form of a ban on the teaching of their language. Most of the country's universities were shut, thus jeopardizing the future of its young people.

33. It was regrettable that the Association of South-East Asian Nations (ASEAN), a champion of economic, social and cultural rights, was collaborating with the Burmese regime instead of trying to rectify the situation. It was the more deplorable because instability was contagious and neighbouring countries might one day have to suffer from the fallout of events in Burma. ASEAN and the whole world should learn the lessons of recent events in East Timor and take preventive action before it was too late.

34. Mr. Jakubowski (Poland), Vice-Chairman, took the Chair.

35. Mr. RENARD (International Federation Terre des Hommes) denounced the spread of dire poverty in the world, which was particularly affecting children. At its session in November 1999, the Committee on Economic, Social and Cultural Rights had expressed special concern about malnutrition in Mexico, where social activities did not extend to rural areas or the indigenous peoples. Although the national economy was growing, the minimum wage remained inadequate and structural adjustments had caused the elimination of many jobs to the detriment of numerous families. Furthermore, legislation on basic schooling was not complied with and the social security system had been privatized. The economic stabilization and adjustment programme introduced in Mexico 16 years previously had thus been a failure. Moreover, NGOs had denounced an unbalanced development process which was placing certain regions of the country at a disadvantage.

36. Mexico was not the only example of a dichotomy between economic growth and social development. States had to be urged to put into practice the declarations of intent they had made in Vienna in 1993 in favour of a protocol to the International Covenant on Economic, Social and Cultural Rights. His organization welcomed the recommendations contained in the report of the High Commissioner for Human Rights (E/CN.4/2000/49), but deplored the disinterest of many States in the proposed draft protocol. It supported the High Commissioner's recommendation that a working group be instructed to examine that draft and it encouraged States to demonstrate a firmer political will. The NGOs which had helped to formulate the recommendations of the World Summit for Social Development in Copenhagen would once again voice their concern at the special session of the United Nations General Assembly to be held in Geneva.

37. Ms. PROUVEZ (International Commission of Jurists) emphasized the indivisibility of human rights, which meant that economic, social and cultural rights could be invoked in court. The adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, providing for a system of individual and group complaints, would be a very important way of guaranteeing respect for those rights. States which had acceded to regional or international machinery or instruments providing for such individual or collective complaints should support the adoption of the protocol, as failure to do so would be a blatant self-contradiction, since they had asserted their recognition of the indivisibility and interdependence of all rights.

38. An optional protocol would permit the development of a body of jurisprudence that was indispensable if practical effect were to be given to economic, social and cultural rights. Similarly, it would help to clarify the conflicting obligations imposed on States by international human rights treaties and international economic agreements, as well as their responsibility for vulnerable sections of the population adversely affected by globalization. Moreover, through a more detailed examination of State responsibility, a system of individual and group complaints would make it possible to clarify the responsibility of transnational corporations for violations of economic, social and cultural rights.

39. Her organization welcomed the report of the High Commissioner for Human Rights on the draft optional protocol (E/CN.4/2000/49), which had received the support of many States and governmental and non-governmental organizations. On the other hand, it deplored the fact that so many States had failed to submit their comments in response to the request in resolution 1999/25 of the Commission on Human Rights. Nevertheless, enough suggestions and observations had been received for action to be taken on the proposal made by the High Commissioner in paragraph 32 (b) of her report that the draft optional protocol should be studied further by an open-ended working group.

40. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that it was necessary to give up the idea of the repayment of foreign debt, in the first place because the debtors did not have the means to repay it (and, moreover, the sums paid out in debt servicing were already greater than the amounts borrowed), and secondly, because repayment would fuel the deflationary trends that were undermining the world's economy. Successive adjustments of the international debt rescheduling strategy were in fact tending to legitimize a

usury model designed to perpetuate rather than reduce indebtedness. Furthermore, the refusal of the IMF and the World Bank to reschedule the loans to heavily indebted poor countries (HIPCs) was merely worsening the difficulties of those least able to service their debt.

41. His organization had strong reservations about the HIPC initiative which, it thought, was questionable because it subordinated easing of the debt burden to the obligation to fight poverty, an inadmissible condition in view of the fact that the structural adjustment and austerity measures imposed by the Fund and the Bank had contributed to the spread of poverty.

42. The Commission should persevere in asserting the right to development and act to secure genuine respect for economic, social and cultural rights.

43. Mrs. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that economic, social and cultural rights were the hardest to implement, notwithstanding decades of effort. The globalization of the economy, which was taking its toll on developing countries and the disadvantaged social classes in the industrialized countries, was an unavoidable phenomenon. An attempt could be made to control its most harmful effects by seeking new ways of ensuring an adequate standard of living and a continuous improvement in living conditions for everyone, in accordance with article 11 of the International Covenant on Economic, Social and Cultural Rights.

44. Her organization, which included 71 national associations among its members, was well placed to evaluate the various solutions that had been proposed. At the international level, priority had to be given to lightening or cancelling the poor countries' debt, so that the sums devoted to servicing it could be reallocated to development activities. At the national level, among the schemes mentioned in the note by the Secretariat on economic, social and cultural rights (E/CN.4/2000/51), attention should be paid to the Brazilian scholarship programme, which had made it possible to solve the problem of children dropping out of school. Education and training were important for the exercise of economic, social and cultural rights and promoted development, for experience had shown that prosperous countries were those with an educated population.

45. Although it was hard to implement economic, social and cultural rights, the task could be accomplished, provided that Governments demonstrated genuine political will and that the public authorities and civil society took concerted action. Her organization, like many other NGOs, was prepared to participate in that effort.

46. Mr. KUA (Rural Reconstruction Nepal (RRN)) said that his organization was concerned about violations of the rights of the Lhotsampa people in southern Bhutan, which were resulting in the destruction of an entire culture. More than 100,000 Bhutanese refugees had fled to Nepal and India after having been evicted from their homes by the army in 1990 for having demonstrated peacefully against the absolute monarchy. The land resettlement programme being carried out in the region infringed the ownership rights of the people who were currently languishing in refugee camps in Nepal. The resettlement campaign was continuing despite the appeal launched in 1998 by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and was endangering the bilateral talks between the Governments of Nepal and Bhutan concerning the repatriation of refugees.

47. His organization fervently appealed to the Commission to request the Royal Government of Bhutan, which was a member of the Commission, immediately to halt resettlement in southern Bhutan, to withdraw all the people who had been resettled on refugees' land and to make firm repatriation arrangements.

48. His organization was likewise concerned at the situation in Malaysia. The country was facing a serious water shortage due to the mismanagement of water resources. Instead of rationalizing management, the Government was building more and more dams which forced the population to move and destroyed the environment. The Bakun dam in Sarawak was one example of a useless, ill-advised project. Although the project had been suspended in the wake of the financial crisis in 1997, the Government had gone ahead with the displacement of nearly 10,000 indigenous people without consulting them or taking account of the advice of NGOs and elected representatives.

49. His organization protested against other violations of human rights in Malaysia. Women were subjected to all kinds of discrimination and violence. Two decades of urban development had led to forced evictions, often with the complicity of municipal authorities and the police. Trade unions were harassed and workers' demands ignored. Affordable housing was scarce, although there was a glut of luxury accommodation. According to the United Nations Development Programme (UNDP), Malaysia had the highest rate of income inequality in Asia. National cultural policy neglected the cultural rights of minorities. Non-Muslims encountered religious and scholastic discrimination, while access to the civil service was governed by a racially discriminatory system of quotas. In higher education, the freedom of universities was stifled and some had been closed.

50. The ruling coalition claimed that human rights were purely Western values, yet those rights had been embodied in Malaysia's first Constitution and had been respected until the Constitution had been amended by an increasingly authoritarian Government.

51. Ms. PARKER (International Educational Development Inc.) once again drew the Commission's attention to the humanitarian catastrophe caused by the sanctions applied to Iraq and of the grave health consequences resulting from the use by United States and United Kingdom forces of weaponry containing depleted uranium. Everyone knew that economic sanctions were ineffectual and that although civilians might not legally be targeted, theirs was the sector of the population that was worst hit. Although it was obvious that the sanctions were politically useless and were generally condemned, the purpose behind the United States' intransigence was, perhaps, to cover up the catastrophic and inhuman effects of the weapons used. The extent of the catastrophe was such that two representatives of the United Nations and the representative of the World Food Programme (WFP) in Iraq had resigned in protest and several specialized United Nations agencies were expressing their deep disquiet. The so-called "modificatioes" to the sanctions regime had produced no progress, for the embargo was still preventing the import of essential goods.

52. Sanctions were contrary to the elementary principles of humanitarian law and the Charter of the United Nations, especially in the fields of food and medical relief. Her organization urged the Special Representative of the Secretary-General to investigate the situation of Iraqi children

and the health effects of the use of weapons containing depleted uranium, possibly within the framework of a joint mission with the Commission's Special Rapporteur on the illicit movement of toxic waste.

53. Her organization welcomed the lifting in 1999 of regional sanctions against Burundi, since they had had serious repercussions on the civilian population, which was still suffering from their aftermath. It was delighted that Mr. Nelson Mandela was acting as peace negotiator in the Arusha talks. It pressed for an examination of means of remedying those aspects of sanctions which were incompatible with humanitarian law, taking into account general comment 8 (1997) of the Committee on Economic, Social and Cultural Rights, and it requested the Commission to encourage all potential donors to supply emergency humanitarian aid to Burundi.

54. Lastly, the full impact of the two periods of sanctions on Yugoslavia was not yet known, but it would seem that they had impoverished 80 per cent of the population. The situation had been aggravated by the use of depleted uranium by the forces of the North Atlantic Treaty Organization (NATO) in 1999. Her organization demanded the disclosure of all areas in which uranium weapons had been deployed, in accordance with the judgement by the International Court of Justice in the Corfu Channel Case (1949), and it likewise called for a comprehensive study of the effects of sanctions on the civilian population of Yugoslavia.

55. Mr. KALENDE (New Humanity) referring to the educational situation in the developing countries, said that too many of the world's children were not attending school and there were hundreds of millions of people who were illiterate. The countryside, which predominated in developing countries, was the worst affected. A lack of resources meant that Governments concentrated on State schooling and left private education to religious bodies, NGOs or associations. The notion of private education should, perhaps, be reconsidered, with a view to sharing responsibilities between the public and private sectors, so as to meet the obligation to provide universal and free education. In the campaign against ignorance - a major obstacle to development - all the partners concerned should make an effort to finance education, on which only a modest sum was spent in comparison with military expenditure.

56. His organization called on Governments and civil society to join forces to improve education and to recognize, regulate and finance private education; it recommended cooperation among States and solidarity among individuals in the educational sphere, especially in order to help the rural areas.

57. Mr. PARRY (Indian Movement "Tupaj Amaru") said that, in all social groups, the fundamental rights were the rights to food, clothing and shelter. Only the indigenous civilizations had understood that immutable reality.

58. At the end of the Second World War, the IMF and the World Bank had been established to promote the economic development of the world's poorest countries. But, 55 years later, the results of the financial policy carried out by those institutions were far from conclusive. According to its Articles of Agreement, the purposes of the IMF were, inter alia, to facilitate the balanced growth of international trade, to contribute to the maintenance of high levels of employment and real income and to the development of productive resources to promote

exchange stability and to lessen the degree of disequilibrium in balances of payments. Currently, however, through its recommendations, it was promoting the liberalization of world trade, salary freezes, budget reductions in the areas of health and education and unbridled privatization of public enterprises. The United States of America, on which the IMF had not imposed a structural adjustment programme even though it had a deficit of US$ 300 billion, had acquired disproportionate power within the Fund. It controlled 17.8 per cent of the votes and could oppose any decision that it deemed to be at variance with its interests. At the same time, a great many debtor countries had had to give up some of their economic independence and national sovereignty under the sacrosanct principle of conditionality.

59. In his report on the effects of structural adjustment policies on the full enjoyment of human rights (E/CN.4/1999/50), the independent expert, Mr Fantu Cheru, had analysed in an objective way the adverse effects of those policies, and his conclusions and recommendations deserved the attention of the States and specialized agencies. The problem of foreign debt was currently a double-edged sword in the strategy of neocolonial domination that had prevailed since the colonization of the Americas. It could turn into a time bomb whose explosion might bring down the world economy. According to the data presented by the independent expert, the total foreign debt owed by developing countries was US$ 1,853 billion (US$ 656 billion for Latin America, US$ 340 billion for Africa, and US$ 857 billion for Asia). According to a UNDP study, Bolivia, Guyana, Honduras and Nicaragua were the poorest countries in Latin America in 1996, with a total debt of US$ 17 billion.

60. Those figures showed that the Commission on Human Rights should consider on a priority basis the negative role of the IMF and the World Bank and should call on States to modify the operating rules of the international financial institutions.

61. Mr. ARNOTT (War Resisters' International) said that, in its 1994 Human Development Report, UNDP presented a number of early warning signals of impending national economic breakdown in a number of "countries in crisis", including Afghanistan, Angola, Haiti, Iraq, Mozambique, Burma, Sudan and Zaire. Those countries were apparently engaging in excessive military spending from their budgets. There was, however, one aspect of military activity that the report did not bring out in any detail, namely the direct oppression by the military of rural populations, an oppression which frequently led to the collapse of the rural economy and mass exodus.

62. That was the situation in Burma, a country which had a wealth of human, agricultural and mineral resources but whose economic and social situation had deteriorated because of the role of government policy, as shown in the report of the ILO Commission of Inquiry on forced labour in Myanmar, the report of the People's Tribunal on Food Scarcity and Militarization in Burma, the World Bank study on Myanmar and the report of the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2000/38). Those and other reports indicated that the main cause of the severe decline of economic and social conditions was a policy of militarization combined with inept economic policy and an almost complete lack of popular participation in social and economic decision-making. Forced relocations of population groups were also a major dimension of militarization. Most of those patterns visible in Burma could also be seen in the other countries identified by UNDP. Structural adjustment programmes, high levels of debt and a lack of natural resources must also be seen as major causes of poverty.

63. His organization proposed that, in its resolution on the situation of human rights in Myanmar, the Commission should reflect the Special Rapporteur's analysis of the violation of economic, social and cultural rights in, for instance, a preambular paragraph that would read: "Noting with concern the observations of the Special Rapporteur that the policy of the Government of Myanmar, which favours military over social objectives and denies any popular participation in the economic and social spheres is largely responsible for the high levels of malnutrition and infant and maternal mortality in Myanmar, as well as for the increased incidence of HIV/AIDS, heroine addiction and the erosion of education over the past decade." The resolution could also include an operative paragraph to read: "Condemns the social and economic abuses, including systematic deprivation of food, resulting from government policies, and strongly urges the Government of Myanmar to allow effective popular participation in social and economic decision-making".

64. The Commission should incorporate similar language into other resolutions on the situation of human rights in other countries. In addition, it could call for a report on the impact of militarization on economic, social and cultural rights.

65. Ms. Butts (International Peace Bureau) said that there could be no peace without economic justice. Extreme poverty was universal, as noted by the independent expert on human rights and extreme poverty, Ms. Anne-Marie Lizin, who should be thanked for shining a light on the poverty that existed in the United States and other developed nations. The debate on poverty and economic, social and cultural rights had focused mainly on the economic problems of the developing world and their impact. Yet extreme poverty persisted in the most "developed" countries. In the United States of America, unemployment and low wages existed in the shadow of the economic boom. The social welfare reform bill promulgated by President Clinton in 1996 had shrunk the social safety net by limiting to five years the duration of government assistance, thereby restricting the exercise of economic rights. Moreover, the United States-style social reform was emulated and replicated throughout the developed world, thereby dismantling world-wide the responsibility of States in the social sphere.

66. Her organization wished to draw the Commission's attention to the petition entitled "Poor people's economic human rights campaign versus the United States of America" that had been submitted to the Inter-American Commission on Human Rights on 1 October 1999. She urged the members of the Commission, particularly those from the Americas, to support the petition at the regional level.

67. In the United States, the poor of all colours were disappearing from the welfare rolls and unemployment statistics, and the prisons were filling with the disappeared. Until the international community understood the truth about poverty in the United States, the poor of that country would continue to speak out.

68. Her organization called on the United States of America to ratify the International Covenant on Economic, Social and Cultural Rights and hoped that all States would adopt the draft optional protocol to that document.

69. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education (OIDEL)), said that his organization welcomed the important work done by the

Special Rapporteur on the right to education, Ms. Tomasevski, but regretted that it had contributed nothing new to the study of the relationship between the right to education and freedom of education. In particular, it failed to refer to the report submitted by Mr. Mustapha Mehedi to the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/1999/10), which the Sub-Commission had adopted unanimously. That report convincingly revealed that the right to education could not be considered without including the dimension of freedom. Far from being a partisan demand, freedom of education was part of the inviolable core of the right to education.

70. As described in the international instruments, freedom of education included the right to set up and manage non-governmental schools, the right to teach and the right of parents freely to choose the type of education they wished for their children. In that respect, the Special Rapporteur's report remained very tradition-bound and did not take into account the obvious need for educational pluralism, something which a centralized approach to school systems could not provide. In addition, freedom of education must go hand in hand with the provision of basic education free of charge. The fact that parents who exercised the freedom of education might not be able to get such education free of charge was a source of discrimination.

71. His organization suggested that consideration of the right to education should in future take into account all the relevant fundamental freedoms. It hoped that the Special Rapporteur on the right to education would study State practice in depth and take into account the case law of the Spanish Constitutional Court and the French Constitutional Council. Recognizing the freedom dimension of the right to education was the only way of promoting access to education in countries where such access was still a problem, ensuring that such education was acceptable to parents and their children and guaranteeing the adaptability of education to the increasingly diverse needs that were emerging.

72. Mr. J. SANCHEZ (American Association of Jurists) said that his organization had submitted a written statement (E/CN.4/2000/NGO/90) in which it analysed some of the Agreements reached at Marrakesh in 1994 and the WTO machinery and concluded that the Agreements favoured the interests of transnational corporations and the major Powers to the detriment of the rights of peoples. In another written statement, submitted jointly with Centre Europe-Tiers Monde (E/CN.4/2000/NGO/93), it analysed the external debt of Southern countries and countries with economies in transition and showed that the perpetuation of the debt and the obligation to reimburse it under abusive conditions were merely means of subjecting the debtor countries to globalization and ultra-liberal economics.

73. Globalization, which concentrated wealth in the hands of the few, foreign debt and unfair exchange rates were the principal obstacles to the enjoyment of economic, social and cultural rights by a good part of the world's population. The joint report by the Special Rapporteur on the effects of foreign debt, Mr. Figueredo, and the independent expert on structural adjustment policies, Mr. Fantu Cheru (E/CN.4/2000/51), was extremely interesting in that it clearly showed the dramatic consequences of prevailing policies on debt and structural adjustment. His organization agreed with the Special Rapporteur and the independent expert that the balance sheet of OHCHR work in the field of economic, social and cultural rights was unsatisfactory and thought that that was attributable to a political will to establish close relations with the large transnational corporations and the World Bank.

74. The World Bank, which had proclaimed its political neutrality and specific character in the days when the General Assembly was condemning the apartheid regime, was currently present in all fields, implementing neo-liberal policies of transnational economic power. The Global Sustainable Development Facility, mentioned by the High Commissioner in her report on the right to development (E/CN.4/2000/20), was a cooperation agreement between UNDP and a group of large transnational corporations, most of which were responsible for serious violations of political, civil, economic and social rights and for environmental damage. The High Commissioner should pay rather less attention to economic power and rather more to the victims of that power.

75. Ms. DROZ (International Movement ATD Fourth World) said that, as the High Commissioner for Human Rights had emphasized in her opening statement to the Commission, extreme poverty was currently the most important challenge to all those concerned with the protection of human rights. A consensus had gradually been reached on that question within the international community. The Commission's work on the link between human rights and extreme poverty, begun in 1989, had made a significant contribution thereto. The distance travelled since the statement made to the Commission in February 1987 by Father Joseph Wresinski, the founder of her organization, was most impressive. There had been some significant milestones along the way such as the recent report submitted by the independent expert on extreme poverty, Ms. Anne-Marie Lizin, the study submitted to the Commission in 1997 by the Special Rapporteur, Mr. Leandro Despouy, and the World Summit for Social Development in Copenhagen. The time had come for the international community to move from the proclamation of rights to their real and effective implementation. Indeed, proclaiming rights without supplying the means to implement them, even gradually, meant entertaining illusions and preparing for discredit and despair.

76. Noting that the Commission had instructed the independent expert to work on a draft United Nations declaration on extreme poverty and human rights, her organization hoped that the independent expert would deepen her thinking on the subject in consultation with the people and population groups concerned and that the Commission would, by means of a draft resolution, ask the independent expert, in the context of her second mandate, to try and identify and assess the best ways of ensuring the participation of very poor people in political and civil life. Moreover, the declaration on extreme poverty and human rights should open the way to a more compelling instrument such as an international convention on the elimination of poverty, the idea of which had been launched by the ILO Director-General in the context of the assessment carried out at the Copenhagen Summit. It was to be hoped that such a convention could be adopted before the end of the first United Nations Decade for the elimination of poverty (1997-2006). All States would be able to share assessments, concerns and experience, in an atmosphere of cooperation, within the context of supervising the application of that convention.

77. Mr. HUMAN HAMID (Third World Movement Against the Exploitation of Women) said that Indonesia had still not ratified the two International Covenants on Human Rights but that several changes could already be seen in the attitude of its Government towards human rights. The enactment of a Human Rights Act and the creation of a new position of Minister of State for human rights were signs of goodwill and of a new focus in government policy. It remained to be seen how those intentions would translate into reality.

78. In general, the Indonesian Government was more concerned about civil and political rights than issues related to economic, social and cultural rights. That neglect could be seen in the retention of the ban on certain marginal jobs in the informal sector and the failure to provide protection for migrant workers. Like other developing countries, Indonesia was trying to achieve high economic growth on the basis of international loans, foreign investment and massive exploitation of natural resources. That policy had not, however, created a solid economic base or improved the welfare of the people. On the contrary, it had created an economic gap between the urban and rural areas. Large investment projects had not only destroyed natural resources but had also caused human rights violations and environmental damage and destroyed the livelihood of the indigenous and local people who had owned those resources. Many foreign and domestic logging companies, operating in various provinces of the country, had destroyed millions of hectares of tropical forest and caused serious loss of biodiversity. Industrial activities had polluted air, water and land and had also destroyed coastal areas and marine life.

79. It was essential that Indonesia should ratify as soon as possible the International Covenant on Economic, Social and Cultural Rights and should begin immediately to integrate international standards into its domestic legislation. The Indonesian authorities should also introduce new decision-making mechanisms that would be transparent and involve the local populations.

80. Ms. CARCANO (Women's International Democratic Federation (WIDF)) said that women were the most affected by neo-liberalism, since it was the health and education services, social security regimes and the limited infrastructures intended for women and children which suffered most therefrom. Neo-liberalism led above all to a worsening of the situation of the women belonging to the underprivileged classes of the population.

81. However, the situation of women in Cuba was an exception. In that country, subjected to an economic and financial blockade by the Government of the United States of America for more than 40 years, the population - including the female population - enjoyed a high standard of education. The Government had the political will to ensure the well-being of its people, with due regard for environmental and social aspects and guaranteeing equality between the sexes and an equitable distribution of resources and cultural diversity. Civil society shared in political life in democratic ways. Cuban women were proud to belong to a people which could face up to adversity and took the side of the world's outcasts. Her organization asked once again for an end to be put to the blockade imposed on the Cuban people by the Government of the United States of America.

82. Mr. RAVENNA (Permanent Assembly for Human Rights) said that, as the General Assembly had recalled in its resolution 32/130 of 16 December 1977, the full enjoyment of civil and political rights was impossible without that of economic, social and cultural rights. States should thus do their utmost to implement the latter rights.

83. However, the situation in Latin America showed that there was no automatic link between economic growth and human development. In 1999, the number of unemployed had increased by 4.5 million and there were 18 million unemployed in the cities. Argentina was a typical case in that regard, since the rate of unemployment there had reached 13.8 per cent and the rate of underemployment had increased by 14.3 per cent, which meant that 3.8 million

Argentine workers had employment problems. That social exclusion phenomenon resulted inter alia from structural adjustment policies. Nevertheless, as UNDP had stated, poverty was not inevitable and a dozen or so developing countries had shown that the elimination of utter poverty was not a pipe dream. It was necessary, above all, to put an end to the current inequitable distribution of wealth which produced an ever-widening gap between the developed and the developing countries. Moreover, it was not possible to escape being sidelined without access to the know-how and vocational training that were essential in the twenty-first century.

84. During the 1990s, throughout Latin America, the State had gradually given up supplying social services such as health services and education. That was the reason for the profound changes that had occurred in education in recent years. The objectives of education were achieved only in the privileged classes of the population while, in the underprivileged classes, the school's teaching role had been transformed into one of simple social assistance. Education decentralization projects had thus promoted not self-reliance but social cleavage. As a result of that policy in Argentina, the Federal Education Act had made education a commodity to which only the upper classes had access. What should have been a universal right had thus become a privilege.

85. Mr. GRABER (Defence for Children International), speaking also on behalf of nine other NGOs (Baha'i International Community, Education International, International Alliance of Women, International Council of Women, International Federation of University Women, World Federation of Methodist and Uniting Church Women, World Vision International, World Young Women's Christian Association and Zonta International), congratulated the Special Rapporteur on the right to education who in her report (E/CN.4/2000/6/Add.1 and 2) had identified the obstacles to the realization of that right with a view to their elimination and reminded States of their obligations to respect, protect and fulfil the right to education. Some 125 million children of school age, a majority of whom were girls, still had no access to basic education and a great many of those who did enter the education system failed to complete their studies. It was clear that Governments had not honoured the commitment they had entered into in 1990 at the World Conference on Education and that the targets set on that occasion had not been reached.

86. The reasons for that failure were multiple and complex. First and foremost was poverty, since lack of resources and indebtedness had considerably reduced the capacity of most developing countries to provide universal access to free primary education. There was a lack of political vision as well as the adverse effects of the structural adjustment policies imposed by the Bretton Woods institutions, which had disastrous consequences for the poorest children. In addition, the volume of international aid for education had considerably declined and education was not a priority item in most national budgets, a large share of which was often allocated to military expenditure.

87. It was therefore essential to review those national and international policies and bring them into compliance with the principles set out in the Universal Declaration of Human Rights and reaffirmed in the Convention on the Rights of the Child, so that the right to education could be implemented as a human right at all levels - civil, political, economic, social and cultural. Consequently, States had the obligation to ensure access to education by all children on the basis of equal opportunity and non-discrimination. The reality was, however, that millions of children - girls in the majority - disabled children, children in rural areas, children belonging to

minority groups, refugee children and children in prison were denied education. Those children, referred to as "excluded" or "marginalized", were in fact prevented from going to school. Such discrimination in education was not tolerable.

88. Finally, States also had the obligation to care about the contents and methods of education and the training and the support given to teachers which should be consistent with the universally recognized aims of education in accordance with international human rights standards. Education could then become more than a commodity or a service; it was a "public good" which provided the foundation for a democratic society as well as for the economic growth and sustainable development of all nations.

89. His organization, and the other organizations associated with his statement, therefore supported the launch of the NGO Global Campaign for Education aimed at mobilizing pressure on Governments to hold to their commitments to provide free, good-quality education for all. It called on States and international financial institutions to respect, protect and fulfil the right to education and to adopt all the necessary policy and budgetary measures required to meet their obligations. They also urged the Commission to grant the right to education the status it deserved by devoting a special resolution to it and to call on the forthcoming World Education Forum in Dakar to reaffirm the right of all children to primary education that was compulsory, free, non-discriminatory and relevant to their way of life, and to ensure that the programme of action to be adopted would include measurable and time-bound objectives consistent with international human rights standards.

90. Ms. EZEILO (International Human Rights Law Group) drew the Commission's attention to the issue of the denial of women's inheritance rights, which was a strong contributing factor to extreme poverty and amounted to a violation of the fundamental right of women to equality and to the principle of prohibition of discrimination on the basis of sex and deprived women of their economic, social and cultural rights.

91. In a great many African countries, such discrimination was rooted in the law and in practice. When a man died, his relatives took possession of all property belonging to the couple, so that the widow was left destitute in extreme poverty. The severe economic challenges faced by Africans became almost insurmountable for a woman on the death of her husband. Such customs were a major impediment to the elimination of poverty at the household, national and global levels. The ability of women to have access to and own land was critical to their full and equal participation in the agricultural and economic development of any country. Such laws and practices thus undermined efforts to encourage the full participation of women in sustainable development activities. Although they had ratified the major international human rights instruments, most African Governments had not taken any steps at the national level to ensure women's right to inherit.

92. Her organization therefore called on the Commission to undertake an urgent study on discriminatory inheritance laws and practices and their causes and their consequences for women and children in Africa and to ask the thematic and country rapporteurs whose mandate covered African countries to include those problems in their field missions and reports. The

Special Rapporteur on violence against women and the independent expert on extreme poverty in particular should be encouraged to examine the links between the denial of inheritance rights and violence against women and extreme poverty respectively.

93. Ms. HERNANDEZ FUENTES (National Union of Jurists of Cuba) said that the Cuban Constitution established the obligation of the State to guarantee the right of all Cubans to work, to decent means of subsistence, to medical care, to food, to education and to culture. The world had witnessed the efforts of the Cuban Government to institute social justice on the basis of popular participation and a fair distribution of wealth. For the past 7 years, her organization had been asking the United Nations General Assembly to intervene to ensure that the United States would put an end to more than 40 years of an illegal and inhumane policy implemented in a number of different forms: direct military intervention, introduction of diseases into the country, encouragement of illegal emigration and the organization and financing of activities which undermined public order and Cuban security.

94. The maintenance of the economic, trade and financial blockade imposed on Cuba by the United States and the application of the Helms-Burton Act and the Toricelli amendment which blocked trade relations with Cuba and, in particular, prevented it from purchasing the food and medicines required to meet the needs of children, the sick, the elderly and women, were acts contrary to the Convention on the Prevention and Punishment of the Crime of Genocide. They struck a blow at the sovereignty of other States, violated that most sacred of rights, the right to life, and undermined the economic development of Cuba and of all countries desirous of trading with it.

95. Mr. PORRET (Association of World Citizens) said that many factors contributed to making economic, social and cultural rights a matter of major concern in a world in which ultraliberalism was in the process of becoming the mainstream thinking of the ruling circles and where the frantic pursuit of instant profit augured ill for the evolution of the planet and the future of forthcoming generations.

96. The lure of gain was so strong that nothing, not even the warnings of eminent scientists or current climate changes, reined in the destructive approach of the big transnational companies. The rapid deterioration of the planet was being felt not only in the poor countries of the South but also in the countries of Europe with their generally stable climates where storms were assuming proportions rarely encountered in the past. The policy of the agribusiness companies was particularly dangerous, not to say suicidal. Every effort was being made to force the peoples to consume products such as genetically modified organisms whose long-term effects were unknown, while mad cow disease and the contamination by dioxin of chickens and eggs showed just how dangerous it was to the human race to interfere in the food chain. His organization also denounced the destruction of the ozone layer which was linked to gas emissions, deforestation, the pollution of seas and rivers by industrial waste and oil and the construction of large-scale dams with catastrophic consequences for local populations. Everything went to show that the hopes that had emerged from the Rio Conference of making the right to a healthy environment a reality had been largely dashed.

97. In addition institutions such as the WTO took decisions in favour of the large transnational corporations and almost always acted in the interests of the most powerful. The

World Bank had brought out a brochure on its role in the eradication of poverty and yet the World Bank and IMF only granted loans subject to draconian conditions and above all required the dismantling of social structures. Even in countries like Thailand, where IMF intervention was officially considered to be a success, the number of poor people had increased considerably.

98. The Commission on Human Rights was regarded as the conscience of mankind; it was a unique venue for meeting and for exchanging information where abuses, even at the highest level, could be denounced. It should help to check liberalism run wild and to promote an ideology of cooperation and respect among human beings.

99. Ms. MARWAH (International Institute for Non-aligned Studies (IINS)) said that the peculiar characteristics of each group in a society should be taken into account to create the necessary political, legal and institutional frameworks to recognize and protect economic, social and cultural rights. Most contemporary societies were marked by diversity. Equality of representation and opportunity were essential if each constituent of a society was to exploit its potential to the best effect while preserving its unique heritage. Democracy was the only system in which each citizen could play an equal role in fashioning the destiny of a nation, but the virtues of democracy could only be understood with an education system that enabled each individual to understand the values of coexistence and respect for all.

100. The unique features of each society should also be considered when economic models were designed for growth and development. Democracy was not always perceived in the same fashion from one culture to another. In traditional societies, democracy meant political equality but traditional structures were kept within the family, ensuring the preservation of social and cultural values. It should not be forgotten that the preservation of economic, social and cultural rights sometimes required concerted group action often deriving from tribal or family structures. Materialism had numerous attractions but it also had adverse effects which were evident in many developing countries. The lack of resources to meet the expectations of the younger generations attracted by foreign lifestyles led to frustrations which generated social tensions, problems and nonsensical situations. A country in which the majority of the population had no access to clean drinking water could thus be persuaded to invest scarce resources in the production or purchase of various brands of aerated drinks or ultra-modern cars. The entire process of development was being reversed with consumerism taking precedence over infrastructure building.

101. The best way to preserve economic, social and cultural rights was to allow each society to evolve at its own pace and to move slowly through all the stages of development. In order to meet the needs of the population, however, effective participation in the political process through the proven system of democracy was essential.

102. Mr. HTUN (Worldview International Foundation) recalled that the right to life, the most fundamental right of all, was the link between human rights, environmental rights and development rights. There could be no environmental protection or sustainable development without social and political justice. The regions most threatened by poverty and environmental degradation were generally those inhabited by ethnic minority groups; it was essential to reinforce the protection of their rights.

103. Burma was a typical example of a wealthy country which had declined to the level of the least developed countries because the ruling military elite denied its people their human rights and fundamental freedoms. Poverty, ethnic conflicts and environmental degradation were in evidence everywhere. Forcible population transfers and various forms of human rights violations had led to the destruction of the socio-economic fabric, the internal displacement of about one million people and a continuous flow of refugees into neighbouring countries. Since the military had come to power, timber exports had become the major foreign exchange earner. In central Burma, landlessness and deforestation were the main causes of extreme rural poverty. The deteriorating economic situation explained the high level of infant and maternal mortality and malnutrition. The right to education was no longer a reality since most schools and universities in Burma had been closed following the student protest movements and had remained closed since December 1996.

104. Burma was likely to face total socio-economic collapse in the near future. His organization urged the Commission to express its concern at the violations of the economic, social and cultural rights of the Burmese people, the root cause of which was also the denial of political rights, as the Special Rapporteur on the situation of human rights in Myanmar had concluded.

Statements in exercise of the right of reply

105. Mr. RAJA NUSHIRWAN (Observer for Malaysia), referring to the statement made on behalf of Rural Reconstruction Nepal, said he wondered whether the speaker was a genuine member of the NGO in question and whether his behaviour was consistent with the rules of the Economic and Social Council on NGO participation in the work of the Commission.

106. Contrary to his allegations, not only had economic benefits been evenly distributed in Malaysian society but that society had never before been so racially coherent. The NGO representative in question seemed to have forgotten that the country had experienced its worst racial riots in 1969 precisely because of the economic disparity between races, prior to the arrival in power of the Government that he was criticizing. It was the racial quotas imposed since then that had led to the success of the new economic policy. The benefits of that positive discrimination had been hailed throughout the world.

107. Mr. VENKATESH VARMA (India), referring to the statement made at the previous meeting by a high-level official of the military regime in Pakistan, said that his virulent tirade against India was neither new nor surprising. He represented a regime headed by an army which had not only repeatedly extinguished democratic governance in its own country but had also been in the forefront of the vested interests in Pakistan for whom hostility towards India had become a reflex. Pakistan must realize that hostility towards its neighbour could not constitute the basis for a country's progress and prosperity. Progress demanded first and foremost the strengthening of democratic national institutions, which were singularly lacking in Pakistan.

108. It should be recalled that Pakistan had responded to the Indian Prime Minister's offer of peace by a fresh attack in the Kargil sector of Jammu and Kashmir, which the representative of Pakistan had tried to cover up by making false accusations against India. Only a direct bilateral dialogue could lead to a peaceful resolution of the outstanding issues between the two countries.

Pakistan claimed to be in favour of dialogue but the intensification of terrorism and the propaganda campaign it was conducting against India did not indicate that it was sincerely seeking to enter into such a dialogue.

109. Mr. QAZI (Pakistan) said that Pakistan was what it was but made no claim to be what it was not, unlike India where fascism was in power masquerading as democracy. It did not have an army 70,000 strong engaged in committing gross violations of the human rights of an entire people in Jammu and Kashmir. For India, everything that occurred in the region could always be attributed to terrorism or to Pakistan. In fact, the problem of Kashmir was its illegal occupation by India, compounded by repression against the Kashmiris to prevent them from demanding the right of self-determination promised to them by the United Nations Security Council and recognized by Jawahar Lal Nehru, the first Prime Minister of India, in 1951.

110. Pakistan had never stopped proposing dialogue to India, but the latter had rejected all its offers and Indian forces had even intensified their attacks along the line of control apparently as provocation; Pakistan's forces were, however, refusing to respond to such provocation. In the circumstances, it might be wondered who was demonstrating compulsive hostility to whom.

The meeting rose at 6.05 p.m.